



**2020/2021 SESSION
of the
BERMUDA SENATE
OFFICIAL HANSARD REPORT**

3 MARCH 2021

Virtual Sitting

*Sitting 9 of the 2020/2021 Session
(pages 165–204)*

**Sen. The Hon. Joan E. Dillas-Wright, MBE, JP
President**

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BERMUDA SENATE

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10:03 AM**

Sitting Number 9 of the 2020/2021 Session

[Sen. the Hon. Joan E. Dillas-Wright, President, pre-siding]

The President: Good morning, Senators.
The Senate is in session.
Shall we pray?

PRAYERS

[Prayers read by Sen. the Hon. Joan E. Dillas-Wright, President]

CONFIRMATION OF MINUTES

[Minutes of 22 February 2021]

The President: Senator Michelle Simmons, you have the floor.

Sen. Michelle Simmons: Good morning, Madam President.

The President: Good morning.

Sen. Michelle Simmons: I move that the Minutes of the meeting of Monday, the 22nd of February 2021, be taken as read.

The President: Is there any objection to that motion?
No objection.

Sen. Michelle Simmons: Madam President, I move that the Minutes of Monday, the 22nd of February 2021, be confirmed.

The President: Is there any objection to that motion?
Senator Tucker.

Sen. Robin Tucker: Good morning, Madam President.

The President: Good morning.

Sen. Robin Tucker: Sorry. I just want to highlight a couple of minor things that should be adjusted in the Minutes. And that would be under the time period . . . I am sorry; I do not have numbers on the copy I have in front of me, but the time period 10:26, the second paragraph, last sentence: "He was a pillar of the

community." So that last, the end of the sentence where it says "a stalwart supporter" should say "of the mighty Flatts Victoria."

And on the last page, the sentence, the second paragraph from the top on my copy, it says, "The Senator, the Honourable President . . .," there are two full stops at the end of that sentence. So.

[Crosstalk]

The President: Would you repeat that, Senator Tucker?

Sen. Robin Tucker: Where it says, "The Senator, the Honourable President associated herself with the congratulatory and obituary remarks of all Senators." There are just two full stops in that phrase.

The President: All right.

Sen. Robin Tucker: Thank you.

The President: Thank you.
Senator Simmons.

Sen. Michelle Simmons: Madam President, I would like to move that the Minutes of Monday, 22 February 2021, with those two minor adjustments, be confirmed.

The President: Is there any objection to that motion?
No objection.
Thank you, Senator Simmons.
The Minutes will be confirmed with those minor adjustments made to it.

[Minutes of Monday, 22 February 2021 confirmed, as corrected.]

Sen. Michelle Simmons: Thank you.

MESSAGES

The Clerk: No messages, Madam President.

The President: Thank you.

REPORTS OF COMMITTEES

The President: There are none.

ANNOUNCEMENTS

The President: We have two announcements. The first is the Bermuda National Economic Report 2020.

Senator Hodgson, the Junior Minister of Finance, you have the floor.

BERMUDA NATIONAL ECONOMIC REPORT 2020

Sen. Arianna Hodgson: Thank you, Madam President.

Madam President, I hereby present for the information of Senate the 2020 National Economic Report of Bermuda as produced by the Ministry of Finance.

The President: Thank you.

Is there any objection to that?

No.

Thank you, Senator Hodgson.

The second one is the National Sports Centre Annual Reports and Financial Statements for the Fiscal Years ended the 31st of March 2012–2015. And that is in the name of Senator the Hon. Dr. E. G. Peets, the Minister of Youth, Culture and Sports.

Minister, you have the floor.

BERMUDA NATIONAL SPORTS CENTRE ANNUAL REPORTS AND FINANCIAL STATEMENTS FOR THE FISCAL YEARS ENDED 31 MARCH 2012–2015

Sen. the Hon. Dr. Ernest Peets: Madam President, I hereby present for information of the Senate the following reports: the Annual Report and Financial Statements of the Trustees of the National Sports Centre for the Fiscal Year ending 31st of March 2012; the Annual Report and Financial Statements of the Trustees of the National Sports Centre for the Fiscal Year ending the 31st of March 2013; the Annual Report and Financial Statements of the Trustees of the National Sports Centre for the Fiscal Year ending the 31st of March 2014; and the Annual Report and Financial Statements of the Trustees of the National Sports Centre for the Fiscal Year ending the 31st of March 2015.

Senators can access e-copies of the reports on their tablets or on the Parliament website.

Thank you, Madam President.

The President: Thank you, Minister Peets.

NOTICES OF MOTION

The President: There are none.

PETITIONS

The President: There are none.

STATEMENTS

The President: The first Statement is the Bermuda National Sports Centre Audits 2012 to 2015. And that is also in the name of the Senator, Hon. Dr. E. G. Peets.

You have the floor, sir.

BERMUDA NATIONAL SPORTS CENTRE AUDITS 2012 TO 2015

Sen. the Hon. Dr. Ernest Peets: Thank you, Madam President. Today I wish to table the [National Sports Centre's Annual Reports and Audited Financial Statements](#) for the fiscal years ending March 2012 to 2015.

Madam President, section 12(3) of the National Sports Centre Trustees Act 1988 [the Act] requires the trustees to cause proper accounts to be kept relating to their operations and for these accounts to be audited by the Auditor General. The trustees are further required to provide a report to the Minister on the performance of their functions during that year, which must be laid before each House of the Legislature, together with the Audited Financial Statements and the Auditor's Report.

Madam President, as is evident today, the National Sports Centre (commonly known as NSC) has been delinquent in this duty since 2011. The problem has persisted across multiple boards and under both Government administrations. The current trustees, management and I concur wholeheartedly that this is an unacceptable situation, and I can provide full assurance that the current NSC Trustees and management have been working actively over a year to get their accounts and audits current.

Madam President, it is also my understanding that the audit for the year ending the 31st of March 2011 was completed on time; however, the audit for the year ending the 31st of March 2012 was not completed until the 14th of May 2018. The OAG [Office of the Auditor General] offered a number of observations in relation to the affairs of the trustees and the handling of this statutory obligation at that time, including the following:

- deficiencies in accounting for tangible assets;
- inadequate supporting documentation, presenting opportunity for fraud or misappropriation;
- lack of reconciliations of capital project spending to the financial statements;
- no written capitalisation policy;
- lack of contracts for part-time employees;
- lack of a documented procurement process;

- lack of an annual budget versus actuals; and
- trustees operating in a management role rather than in a governance role.

Madam President, the trustees offered responses to the observations so as to satisfy the OAG that the finances of the now NSC would meet the necessary accounting standards and allow for clean audits in the future. After setting a timeline to have the 2013 financial statements prepared and ready for audit, the trustees worked with the OAG representatives to provide documentation as requested.

Madam President, I am sorry to report that this process became increasingly difficult to accomplish due to the fact that the documents were housed in the Stadium Cottage (the original administration building, by the way) that had deteriorated to a state of disrepair. And unfortunately, many of the files were ruined due to the water damage and mould in the vacant building. The facilities team recovered as many files and documents that they could and have since placed them in secure temperature-controlled locations. Stadium Cottage was subsequently demolished last year.

In January 2019 Minister Foggo replaced most of the trustees, with the objective of getting all of the audits up to date. And the new board of trustees engaged the services of Expertise Group Limited (in July 2019) to provide assistance with preparing financial statements for the purposes of completing the mandated audits for the years 2014 through 2019, as well as providing financial management oversight for the daily operations. The terms of the agreement included:

1. review the general ledger to determine adjustments to comply with Public Sector Accounting Standards;
2. prepare draft financial statements;
3. prepare audit schedules and other supporting documentation as requested by the OAG;
4. liaise with OAG to clear queries; and
5. develop and document policies and procedures pursuant to the OAG recommendations.

Madam President, since engaging the Expertise [Group], the NSC has collaborated with the Auditor General to secure the completion of the 2013, 2014 and 2015 audits, which are laid before this Honourable Chamber today. Further, the NSC have presented draft Financial Statements for the fiscal year ending the 31st of March 2016 to the Auditor General. There continue to be some delays due to information-gathering issues but the NSC team, with the technical support of the Expertise [Group], have worked closely with the Office of the Auditor General to provide the requested information.

Madam President, the NSC is working with Expertise to address the observations outlined in the 2012 audit. The most pressing of those observations include the deficiencies in accounting for tangible assets. Unfortunately, [these] cannot be solved satisfac-

torily, as many of the documents relating to the Aquatics Centre construction project have unfortunately been destroyed. This will impact the ability for the trustees to secure future clean audits for the OAG. The team has spent a considerable amount of time, as well as money, trying to solve this problem before the decision was made to accept defeat on this issue and to find a way to move forward.

Madam President, as indicated, the NSC have presented draft Financial Statements for the fiscal year ending the 31st of March 2016. This audit is currently underway and will be laid before both Houses of Legislature upon completion. Madam President, in the interim the NSC have continued to prepare financial statements and supporting schedules for the remaining audits for fiscal years ending 2017 to 2020 with the aim of being ready to commence these audits at the Auditor General's convenience. Madam President, the NSC is fully committed to meeting the statutory requirement as prescribed in section 12 of the Act and to become fully compliant and transparent in the reporting of its operations and accounts.

Thank you, Madam President.

The President: Thank you, Minister Peets.

I believe you have a second Statement with regard to supporting Bermuda's musicians.

Sen. the Hon. Dr. Ernest Peets: Yes. Thank you, Madam President.

The President: You have the floor.

SUPPORTING BERMUDA'S MUSICIANS

Sen. the Hon. Dr. Ernest Peets: Madam President, as Bermuda and the rest of the world grapple with the effects of the COVID-19 pandemic, it has become increasingly clear that during these times where physical distancing is required to keep our citizenry safe, arts and culture play a key role in bringing us together to help ensure our emotional well-being.

However, Madam President, despite the ability of the arts to uplift and inspire us, the individuals who are the creators of these experiences that we all enjoy have also been affected by the pandemic. I recognise and certainly appreciate that performing artists, especially [musicians](#), have been disproportionately affected by our current inability to gather in large numbers for safety reasons. This has also had a knock-on effect for Bermudians in some of the audio-visual technology fields, for example, since sound amplification, staging and lighting of concerts, talks and other performances have been diminished due to the pandemic.

Madam President, for this reason I very am pleased to share two new initiatives that have been undertaken by the Department of Community and Cultural Affairs to provide support for these artists. The

first initiative is a lunchtime concert series branded as *Creatives Live!* The series features singers and bands performing on the steps of City Hall every two weeks, either on a Friday or on a Saturday afternoon. The support offered by this series is manifold. In addition to the musicians being given an opportunity to perform, we are also using this series as a way of drawing attention to our online artists' registry established by the department, and we can find that registry at www.creatives.bm. The purpose of this registry is so that members of the public interested in hiring a musician, or perhaps if you are looking for a videographer or perhaps any other type of creative, you will be able to get a sense of their talents and experience from viewing the online catalogue.

Madam President, *Creatives Live!* is meant to focus primarily on established and experienced performers who have been financially impacted as a result of the pandemic. However, the Department of Community and Cultural Affairs has spent part of its mission "to develop our creatives." To this end, this concert will also serve as a developmental opportunity for some younger less-experienced musicians looking for a chance to showcase their amazing talents.

Madam President, because of the limits on the size of gatherings, of course, at least for now the series is intended to be enjoyed as people walk past the performance while tending to their business while in the City of Hamilton. This is also a way of enlivening the city and providing an upbeat atmosphere that can be enjoyed by the gathering public. The Department of Community and Cultural Affairs will record all of these performances, which will be made available on the department's YouTube channel. You can find that YouTube channel by going to the Search bar and typing "Bermuda Culture." Please [press] Like and Subscribe.

For those of you who missed Joy T. Barnum's beautiful performance last week or perhaps The Unit Band's performance on Saturday of last week, Madam President, I am pleased to say that this is not the only initiative undertaken by the Department of Community and Cultural Affairs to support our musicians. Earlier in the year, the department provided support to DJ Barry G for a radio programme where he was featuring the music of Bermudian musicians. Since then, working with the department, Barry G has recorded a series of short videos with singers including Kaelyn Kastle, Savanna, Mizzle and Chinyere to be released shortly. I am looking forward to that release, Madam President. These musicians themselves will be able to use this particular platform for promotional purposes.

So as you can see, Madam President, there are some measures being put in place to ensure that our artistic community remains strong as we navigate the challenges of this pandemic. The Department of Community and Cultural Affairs is committed to working with our creatives to assist them with the promotion and development of their skills and to provide on-

going opportunities to support them in showcasing their considerable talents to the population of Bermuda.

Madam President, thank you very much.

The President: Thank you, Minister Peets, Government Leader in the Senate.

INTRODUCTION OF BILLS

The President: There are none.

FIRST READING OF PUBLIC BILLS

The President: There are none.

FIRST READING OF PRIVATE BILLS

The President: There are none.

QUESTION PERIOD

The President: The first question can be entertained on the first Ministerial Statement by Minister Peets on the National Sports Centre.

Would any other Senator care to speak?
Senator Smith, you have the floor.

Sen. Ben Smith: Thank you and good morning, Madam President.

The President: Good morning.

QUESTION 1: BERMUDA NATIONAL SPORTS CENTRE AUDITS 2012 TO 2015

Sen. Ben Smith: After listening to Honourable Minister Peets read through what I am going to say is a really sad set of information regarding the National Sports Centre, I know that a lot of the [members of the Association of] National Sport Governing Bodies will be frustrated to know that the money that they have been receiving from their government grants that has been given almost entirely to the National Sports Centre over the years, from what we are seeing in this particular Statement this morning. They will be frustrated to know that we do not know exactly how things have been handled during that period of time. I believe that when you see something like this, it is important that somebody is held accountable for how this went on for so long. Minister Peets mentioned in his Statement the fact that it happened under multiple administrations.

I guess my first question is, Are we able to determine whether not having the Financial Statements up to date and seeing exactly what was happening in that period of time has had any impact on the facility, on whether the facility was maintained at

the level that it should have been maintained? Whether some of the things that should have been happening in that period happened? Because if you do not have the correct information, you are starting from the dark.

I notice that it is mentioned that a lot of the trustees who were involved during this period were replaced. I guess my question is, Have *all* of the trustees who were responsible for this lack of progress been replaced? And have those trustees been moved into other areas where they are responsible for the public purse? Because this is an extended period of time when inactivity has happened, and we cannot continue to have this happen.

So, Madam President, I am hoping that we can get some answers and that we can move forward in a way that this will not happen again. Thank you.

The President: Thank you, Senator Ben Smith, Opposition Leader in the Senate.

Senator Peets, yes, you can respond.

Sen. the Hon. Dr. Ernest Peets: Sure. Thank you so much.

I am certainly grateful, Madam President, for the questions. When we receive questions, my initial and automatic response is, *Of course, you know these questions are designed to ensure that the NSC in this particular instance is being supported and run in the best possible fashion*, because ultimately, of course it is our athletes whom we are trying to look out for.

The question of course does require a little bit of lengthy reply. I do not know if it would be appropriate of course to use a lot of time this morning, given the Orders of the Day. But just in short, and I will be more than glad to provide an update to the Honourable Senator in due course. But in a brief reply, starting with the last question first, to my knowledge not all of the trustees have been replaced. There are some trustees currently serving on the board for continuity purposes; [they] were a part of previous administrations.

Regarding, are we able to determine if the lack of Financial Statements led to the proper management of the NSC for example as relates to the upkeep of the facility and whatnot? Everyone would agree that the unfortunate circumstance of not having access to all of the documents, and of course some of the documents being destroyed, does create a significant problem and hurdle. I can suggest to this Honourable Senate that reasonable measures have been taking place to address those things.

I have taken a personal interest in the NSC. I had an opportunity to actually tour the facility and be apprised of what is really going on behind the scenes as it relates to the condition of the field, the condition of the facilities and what is actually needed to actually help the NSC to become profitable and to make sure

that our amazing infrastructure is not lost due to lack of maintenance and other issues.

Going forward, of course this is going to be a mammoth task. And I can report to this Honourable Senate that the team that is currently working with the NSC is committed to that goal and they have pledged everything that they can possibly do to be compliant now with the Auditor General's financial statements which are required to be reported, and we have taken a special interest in how we can actually support them going forward.

That would be my reply at the moment. If that reply is insufficient, I have promised, of course, to reach out to the Honourable Senator and provide some additional information.

The President: Thank you, Senator Peets.

You have a second question or a supplementary?

No. Would any other Senator care to ask questions on this Statement?

Senator Jones, you have the floor.

Sen. Marcus Jones: Good morning, Madam President.

The President: Good morning.

QUESTION 1: BERMUDA NATIONAL SPORTS CENTRE AUDITS 2012 TO 2015

Sen. Marcus Jones: Good morning, Senators. Good morning to the listening audience.

I am not going to be too long, but I just wanted to add weight to what both of my fellow Senators have spoken thus far in regard to the National Sports Centre audits.

My first impression and feelings were horror, looking at this report and the delinquency in which it was given. And we can clearly see that it is not just one political party that was in government; it was not just one group of people or board that was in charge, but this has been successive, successive boards that have been in charge. But at the same time, I believe that this Chamber needs to join me in crediting Senator and Minister Dr. Peets for taking on this task. And we have heard in this Chamber many different government agencies that have come short in providing audited statements.

My question to the Minister would be, Is there going to be a deadline set for those audited statements from 2017 to 2020 being provided and delivered to these Chambers? I recognise the challenges that it presents. But I also feel, especially having come in from the private sector, that unless you have hard-and-fast deadlines, people tend to allow the dates to go by and the accountability gets slack. So as much as I commend the Minister for his diligence and his passion to come to a solution, I would really like to

hear if there is a stated, drop-down, date deadline for these things being resolved.

Thank you, Madam President.

The President: Thank you, Senator Jones.
Minister Peets.

Sen. the Hon. Dr. Ernest Peets: Thank you. I am certainly pleased this morning to know that our interests do align. All of these questions of course are aligned with our personal as well as professional opportunities and aspirations to make sure that the NSC is actually operating efficiently and effectively. Of course, as I stated earlier the end goal is our Bermudian product as it relates to the best performance of our athletes.

Having said that, I cannot stress any further than what I have already stressed that the current state of affairs is unacceptable. And I think everyone would agree, you know, this particular state of affairs is something that we certainly do not endorse or support. Having said that, there is a hard-and-fast line that, you know, this type of situation is not acceptable and we are not going to permit that going forward.

Regarding a hard and fast deadline, the statements are overdue. The deadlines are already passed. And so our job now is not necessarily to set another arbitrary deadline, but to enforce the existing policies to make sure that these types of things do not happen again. But in the meantime, of course, assist the NSC in overcoming whatever hurdle that they have to overcome to finally become compliant and up to date, and then find a way to support them going forward so that this type of situation is not repeated.

So in short the deadline has already passed. So we are not setting another hard and fast deadline; they are already overdue. So our encouragement right now and our work is to actually get those things done as quickly as possible.

The President: Thank you, Minister Peets.

Sen. the Hon. Dr. Ernest Peets: Thank you.

The President: Senator Jones, did you have a supplementary?

Would any other Senator care to ask questions on this Statement?

No. Then we will move on to the second Statement that was given by Minister Peets, and that is on supporting Bermuda's musicians.

Would any Senator care to ask questions on this Statement?

Senator Tucker, you have the floor.

QUESTION 1: SUPPORTING BERMUDA'S MUSICIANS

Sen. Robin Tucker: Thank you, Madam President.

The question that I do have is about whether the positions that the musicians will have and the exposure that they have, if there is any financial compensation that is being provided? I believe that the purpose for the initiatives that Honourable Minister Peets has discussed is wonderful. I believe that giving musicians who have not had the opportunity to perform, and to [also] draw attention to the online registry is a fantastic initiative. Again, I am just wondering whether there is any financial compensation that will be provided, because that was not mentioned.

Thank you, Madam President.

The President: Thank you, Senator Tucker.
Minister.

Sen. the Hon. Dr. Ernest Peets: Yes. Thank you.

I do admit that is a bit of an oversight. Perhaps in my preparation I just thought it was obvious. But, having said that . . . thank you so much.

Certainly, there is a twofold situation going on. We certainly want to provide the listening public and people who are coming in and out of Hamilton to enjoy a very positive, upbeat environment. And the two times that I have been there for Joy Barnum, as well as for The Unit Band, I can certainly tell you that the listening public really enjoyed it. And so I am really, really glad, and we have received a lot of positive feedback from the public.

The other opportunity of course in doing this initiative is actually to provide some income for our musicians, so they are being paid. The Department of Culture will engage in a contract with the musicians, and they will be paid at whatever the contract rate is. Ancillary contracts are also given. Because in order to put on an event such as a band and/or the solo singers, you still need the videographer, you still need the audio people. So we are really, really pleased that those individuals are finding a little bit of work in these difficult times. So, yes, Madam President, I can report to this Honourable Senate that these musicians and the ancillary support staff are being compensated for their work and endeavours.

The President: Thank you, Minister Peets.

Would any other Senator care to ask questions on this?

Senator Ben Smith, you have the floor.

QUESTION 1: SUPPORTING BERMUDA'S MUSICIANS

Sen. Ben Smith: Thank you, Madam President.

I would like to applaud this initiative. As the son of a musician, Hubert Smith, Sr., the late, great Hubert Smith Sr., I can appreciate any support that can be given to the entertainment industry. This initiative, knowing what the impact of the pandemic would

have had on entertainment, it is important that we do show that support.

I am wondering if the Minister can give us any indication of potential steps to support entertainment as we come out of this pandemic and we move to opening up again, because over the last so many years, we have moved away from that live entertainment. And we should be encouraging our young people who are musicians to get involved, and we should be encouraging them that this is a potential lifestyle that they can have. Because I can attest to when you grow up in a creative household what that means.

Sen. the Hon. Dr. Ernest Peets: Absolutely. Actually, thank you so much. And I did not know that you were related to the great Hubert Smith. That is absolutely fantastic. I did not have an opportunity to grow up in a musical household as it relates to talent. But in my household, we certainly enjoyed a lot of jazz and a lot of local entertainment.

One thing that is important to me, as well as to the heads of the department in the Department of Culture, is until the situation regarding the COVID-19 pandemic changes in a very favourable fashion the traditional opportunities for our entertainers are very, very, very limited. So this particular initiative is, at least, from my point of view, like a bridge. So until we can get to a point where local entertainment can resume their regular activities in our restaurants, in our hotels, at our weddings and all the other social gatherings, we have to find a way to provide some type of relief. So these potential steps are something that we are talking about every single month in our heads of department meetings. So we have another heads of department meeting next week, and we will be discussing some more ideas.

We do not have a lack of ideas. We really have a lack of resources. So I certainly welcome even some additional ideas. Perhaps as we reimagine some of these things, we can perhaps do a little bit more than we are currently doing. But the will to do these things and the ideas to do those things are something that we are constantly discussing. So, yes, we are trying to do our level best to provide as much support to our entertainers as we come out of the pandemic.

Thank you, Madam President.

The President: Thank you, Minister Peets.

Would any other Senator care to ask questions or speak?

No. Then, thank you, Senators, and thank you, Minister Peets.

We are going to move on.

ORDERS OF THE DAY

The President: The second reading of the Cannabis Licensing Act.

ANNOUNCEMENT BY THE PRESIDENT

SENATE VISITORS

The President: But before we start that, I would just like to acknowledge the presence from the Attorney General's Chambers. And they are the Parliamentary Counsel, Ms. Amani Lawrence; Alisha Wilson; and Jason Outerbridge. Welcome to all three of you.

Minister Peets and the second reading of the Cannabis Licensing Act 2021, you have the floor.

Sen. the Hon. Dr. Ernest Peets: Thank you, Madam President. And certainly, good morning to all of the Senators here this morning.

Madam President, I am pleased to introduce to this Honourable Chamber the Bill entitled the Cannabis Licensing Act 2021 and move that it be read now a second time.

The President: Is there any objection to that motion?
No objection. Carry on, Minister Peets.

BILL

SECOND READING

CANNABIS LICENSING ACT 2021

Sen. the Hon. Dr. Ernest Peets: Yes. Thank you so much, Madam President.

Today more than ever all of the hats that I wear are converging all at the same time. For those of you who do not know me very well, of course I wear a few hats. Of course, today I am here as the Government Senator, as well as the Minister of Youth, Culture and Sports. But also professionally, I am also an internationally certified counsellor, and I spent the last 15–20 years working in recovery and treatment for persons seeking relief from drug addiction. And also I am a pastor. I have been pastoring now for the better part of 22, 23 years. As such, as I come before this Honourable Senate today I certainly recognise all of those fields and all of that experience, and I plan to do my level best this morning to bring all of those experiences together under one roof at one time.

So let me report to this Honourable Senate this Bill that we have in front of us today. It ushers in a new regulatory regime, licensing all activities involved directly or ancillary to the cultivation, import, export, production, sale, supply, use and transport of cannabis or medicinal cannabis or products derived from cannabis or medicinal cannabis in Bermuda. The Bill establishes the Cannabis Licensing Authority to be the statutory regulatory body to oversee the issuance of licences, inspection, compliance and enforcement of the cannabis licensing regime.

The Authority will also make recommendations to the Minister responsible for drug prevention

on related policy issues and the administration of said Bill. Provisions in this Bill, Madam President, will permit lawful activities relating to the cannabis plant, medicinal cannabis, cannabis products and cannabis-infused products.

Madam President, this Honourable Chamber has before it today a multi-faceted, and in many opinions, a very transformative Bill of what we believe is of significant national importance. As our society reimagines its relationship, as well as its attitudes towards cannabis, the Honourable and Learned Attorney General, the Minister of Legal Affairs and Constitutional Reform gave a very stirring summation regarding the historic injustices and disparities concerning how cannabis enforcement laws in this country have unfortunately disproportionately affected our Black male population. The essence of her speech is really, in my opinion, worth repeating for the Members of this Honourable Chamber.

Madam President, the pathways to reforming Bermuda's cannabis laws and also demystifying the cannabis plant to finally awaken to us all the many health, therapeutic and social benefits is well long overdue. Our 49-year-old Misuse of Drugs Act 1972 is a carbon copy of the Misuse of Drugs Act of 1971 in the United Kingdom. The UK itself is challenged with similar disparities of unequal enforcement of stop and search and low-level drug offences arrests, particularly for cannabis recorded against Black and minority ethnic groups within its own borders. In Bermuda's half-century of cannabis laws, the evidence that cannabis laws were utilised as one of many tools by the colonial government and colonial police to quell Black disquiet and to systematically criminalise Blacks on the front lines of the racial progress movements is indisputable. This is in thanks to publications by home-grown historians like the late Cabinet Minister, the Honourable Walton Brown and more recently Dr. Swan.

Madam President, looking back even further, there is a clear thread recognising the very same inherently racialised enforcement. Social disparities and the social/economic impact is woven throughout the findings of many reports such as the Clark Report 1978, the Pitt Report 1978, the Gurr Report 1984, the Archibald Report 1986, the National Drug Strategy Proposal of 1991 and of course the Tumin Report of 1992, among others. Bermudian society must collectively confront, integrate and dialogue with our past. We must also use today's knowledge respectfully of the aspirations of our future generations. This Government has done this by continuing the big national conversation about cannabis, engaging the electorate by dynamic public consultation and ultimately by bringing the Cannabis Licensing Act 2021 to the Legislature.

Madam President, the national dialogue has laid bare the fact that the social conditions of nearly 50 years of cannabis prohibition have not produced

less cannabis use; instead, the damaging social, economic and health effects span generations in a very small tight-knit community. Black Bermudian males continue to be disproportionately stopped, searched and arrested by police for cannabis offences. This is a direct gateway into the criminal justice system. Many of us have personal stories that demonstrate that there is a clear pipeline from the public education system to Westgate for some of our young Black males who (quote/unquote) "fall through the cracks" or sometimes get (quote/unquote) "caught up." Black Bermudian males are overrepresented in all relevant cannabis-related matrices, even though it is proving that Blacks are no more prone to drug use, or cannabis use for that matter, specifically than any other racial group.

Madam President, the great Reverend Dr. Martin Luther King, Jr., in his 1963 *Letter from the Birmingham Jail* gifted humanity with this perspective about when a law conflicts with the social conscience of society, (quote/unquote) "I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law." Dr. King's words still ring true to contemporary Bermudian society.

We must reckon with the fact that criminalisation of cannabis, primarily through the enforcement of personal use offences in the Misuse of Drugs Act 1972, has been ineffective. It is discriminatory. It is very costly and represents poor public policy in contemporary health and treatment models. Collateral consequences cause family separation, family breakdown and personalised trauma throughout families affected by cannabis enforcement. Suspected cannabis users are stigmatised by certain segments of society and persons convicted of cannabis offences are endlessly excluded from jobs, housing, travel and even educational opportunities.

It is undeniable that cannabis use is a part of Bermuda's culture, despite its being unlawful to trade, share or even to use. Anyone who refuses to accept this simple truth does not see the truth. Cannabis use is not going away. Cannabis use is common at social gatherings such as football matches, certainly at our Cup Match and other large public events. That is no secret. Essentially, unlawful use of cannabis happens in plain sight of police officers who are unable to effectively enforce cannabis laws at said events.

Madam President, the [drug] data supporting the Government's policy captured in the Bermuda Drug Information Network (sometimes known as BERDIN) 2018 in their Annual Report. I can highlight some of the salient figures. In the reporting year of 2017, some 71,160 grams of cannabis were seized. That includes plants, seeds, as well as edibles. This accounted for 84.5 per cent of all drug seizures by weight. Criminal trials for cannabis possession were at

56 with a total of 18 trials for cannabis possession with intent to supply. Contrastingly, convictions for cannabis offences were reported as follows: for possession, 47 convictions; intent to supply, 10 convictions; importation, 14 convictions; and for cultivation, 2 convictions. Only 11 per cent of all total drug arrests in 2017 were for importation offences.

For the fiscal year ending 2017/18 a total estimate of \$9 million was spent on drug treatment; \$770,000 of that for drug prevention; and \$5.7 million spent on drug enforcement and interdiction. Typically, the cumulative government spending for drug issues is approximately \$15.5 million per year. Cannabis enforcement is overly represented, and it is a drain on these [government] resources.

Madam President, the status quo has not effectively been administered to deter illegal consumption and trade of cannabis by any measure or any matrix. When faced with the paradox of these truths, how does a society progress from cannabis prohibition to legalisation? That is the question. Thinking of it as a continuum, the stages of cannabis law reform are, of course, beginning with total prohibition; moving slightly towards decriminalisation; then moving again to regulated medicinal cannabis; then again moving to responsible legal regulation of cannabis via a strict licensing regime, which this particular Bill achieves; moving again to legalisation with a light touch of regulation; and then of course at the other end of the continuum, full legalisation of cannabis without regulation.

Currently, there is an unregulated criminal market in Bermuda with criminal sellers profiting off people who use cannabis most frequently. Conversely, full legalisation without regulation will create an unregulated legal market, which would amply supply the same tactics as the criminal market. This regulatory regime proposed in this Bill will tackle criminality on either ends of the spectrum of cannabis reform. The research shows that the responsible legal regulation is the (quote/unquote) "sweet spot" on the spectrum of cannabis reform.

Madam President, if we look back, the PLP's cannabis reform agenda started in earnest back in 2014 in February when the PLP Opposition tabled a Bill in the House of Assembly which would decriminalise possession of up to 14 grams of cannabis. A further attempt by the PLP Opposition to bring about decriminalisation of cannabis went into the House of Assembly on the 20th of May 2017. But it never made it into law because it triggered a motion of No Confidence in the OBA Government. The OBA avoided a vote of No Confidence by asking the Governor to dissolve the House of Assembly, triggering the General Election on the 18th of July 2017.

As you would know, Madam President, the PLP won the 2017 election under a platform calling for cannabis reforms such as decriminalisation, preventing young people from lost opportunities because of minor drug possessions, expanding licence access to

medicinal cannabis, and drug policy reforms in general.

On the 20th of December 2017, the PLP Government enacted the Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act of 2017, which decriminalised possession up to 7 grams of cannabis. In August 2020, the Expungement of Convictions Act of 2020 was enacted, expunging convictions for simple possession offences committed before the 20th of December 2017.

Madam President, the lay of the land. As far as what is lawfully permitted under the current law is as follows: As mentioned, possession of cannabis up to 7 grams is already decriminalised since 2017. Hemp and CBD formulations are also lawful for import, sale and use in Bermuda since November of 2019. The legal definition of "hemp" is purposely defined to include cannabis which contains concentrations of not more than 1 per cent of THC. Further, approved medicinal cannabis pharmaceuticals like Marinol or Sativex are lawfully available for prescription in Bermuda. Other formulations of cannabis for medicinal purposes can be authorised for patients under a licence by the Minister responsible for the Misuse of Drugs Act 1972.

Madam President, this Government's effort to take the next logical step to a regulated medicinal cannabis regime was curtailed after public feedback was largely indifferent on said subject. Public consultation overwhelmingly showed that the public felt the cost as well as the complexity, and the proposed bureaucracy outweighed any likely benefits for limited patients who would participate or for attracting prospective entrepreneurs and investors who set up medicinal cultivation and manufacturing businesses in our jurisdiction. The overarching call was for far bolder steps towards a responsible regulation of cannabis. The Government took a deeper look at how far cannabis reforms could go, raising the decriminalisation amount above 7 grams of cannabis, for example, similar to Portugal's model of wholesale decriminalisation.

This was not a feasible option for Bermuda's size as well as its limited resources. It would not be prudent to increase the decriminalised quantity of cannabis above 7 grams without additional safeguards, for example, or even a regulatory framework because it gives tacit support to criminal enterprises engaging in legal supply, sales, importation and the cultivation of cannabis.

Likewise, it is a government. Full legalisation of cannabis without a robust regulatory framework would likely have unintended consequences of increasing cannabis abuse and would not sufficiently dissuade cannabis use, eliminate the illegal cannabis market nor prevent the known health risks associated with social harms.

Madam President, the Government's conclusion was that we needed a regulated cannabis regime tailored to Bermuda's needs which improves public

health, public safety as well as our social outcomes and which is not unjustifiably punitive. The Cannabis Licensing Bill establishes for Bermuda responsible regulation of cannabis via a strict licensing regime. By enacting this Bill, government agencies and stakeholders can work collaboratively to design an overall framework for cannabis that is cautious and can be enhanced as we monitor the health and other outcomes during the implementing phase going ahead.

Madam President, crises are often a precursor for transformative change, and we are in an unprecedented economic crisis; I believe that goes without saying. This demands a radical new way of thinking. Increasingly, cannabis reform is not that radical at all. Opening up entrepreneurial opportunities for all in a post COVID-19 [world], regarding economic recovery including for persons convicted of minor cannabis offences, became a very necessary objective of the Government's cannabis reform policy. Therefore, Madam President, the Government anticipates that this Bill's performance will over time effectively curtail the persistent use of the illegal cannabis market of unknown quantity as well as unknown potency, and that the inherent exploitation within the criminal enterprise would eventually fade. The longer cannabis use remains criminalised, cannabis users would largely be out of reach of prevention and risk-reduction protocols and treatment services, without also, unfortunately, being caught up in the criminal justice system.

Madam President, scientific advances and attitudes about cannabis now indicate that the health risks of using cannabis are lower than that of alcohol or tobacco. The dependence potential of cannabis is moderate to low, on par with, let us say, caffeine. However, local cannabis use data places cannabis and alcohol side by side as drugs of choice in Bermuda. Reported lifetime consumption rates are at 78.7 per cent for alcohol, 76.5 per cent for cannabis, and 70.4 per cent for tobacco.

There is no escaping the fact that alcohol and cannabis are cultural staples in a country where almost 99 per cent of people admit to taking the drug in their lifetime. Law and policy models around cannabis interventions globally are shifting their focus towards identifying persons at high risk, modifying risk factors and risky behaviours, and modelling responsible use—the same for alcohol—instead of an outdated criminality-focused model.

Madam President, the cannabis reform policy follows leading science with signals that health risks for cannabis users are heightened for adolescents, persons with mental health challenges or with a family history of such, individuals with cardiovascular problems and pregnant women. These high-risk factors can be worsened by initial cannabis use in early adulthood, near daily cannabis use, smoking cannabis plant material and by consuming cannabis with excessively high THC levels. Because illegal cannabis is of unknown quality or could be laced with other more

harmful chemicals or drugs, available data suggest that contamination of street cannabis could be a very egregious aggravating factor for mental health challenges and the potential for psychosis.

Madam President, the Cannabis Licensing Bill provisions effectively address each of these factors. The Bill recognises the need to protect young persons by restricting access to cannabis by discouraging inducements to cannabis use for persons under the age of 21. Specifically, persons under 21 will not be permitted to consume or use cannabis under this Bill. It will be an offence to supply or sell cannabis to a person under the age of 21. Licensees will also have a duty to ensure that persons under 21 are not employed by retail shops and do not gain access to retail shops, and that cannabis or cannabis products from retail shops are not procured for persons under 21. Applicable offences and penalties are included in this Bill as well, with fines for non-compliance ranging between \$8,000 to \$40,000.

Madam President, this Bill's provisions also permit diversion programmes to divert young persons found in possession of cannabis away from the criminal justice system. Rather, they will be directed into mandatory training and treatment programmes. Madam President, examples of additional safeguards provided in the Bill are as follows: Cultivation licences and retail licences are not permitted within 100 feet of any school or any place of worship. The Minister may, by order, exclude harmful strains of cannabis from the licensing regime. Availability of cannabis is curtailed to approved premises meeting stringent guidelines. Packaging of all cannabis products will be prescribed in a regulated fashion. Supply chains for retail shops will need approval from the Authority to keep out criminal elements and to verify potency and quality. Strict security requirements for licensed facilities must be maintained. And lastly, the Authority will set terms and conditions for licences for reasonable additional protections that are not currently prescribed in law.

As the regulatory regime expands, the Minister will use regulation-making powers to address emerging technical requirements and enhance the protections as they are needed. An example would be that commercial sources of cannabis be subject to strictly defined controls regarding potency and purity, specifically regarding moisture, mould, fertilisers, pesticides and fungicides, for example.

Madam President, the public education campaigns and outreach will be properly executed so that young persons and the general public understand the known dangers of cannabis abuse in the same manner as we educate on the dangers of alcohol and tobacco. The Department of National Drug Control and the Authority will be tasked with collaborating to design and deliver effective, targeted prevention campaigns to improve the understanding of drug abuse and the development of the best possible responses to it.

The intended messaging will emphasise responsible adult use and will be sufficiently nuanced so as not to demonise positive benefits of cannabis. Public messaging ought to coincide and reinforce other community-wide values exemplified by parents and family members, educational institutions and society generally.

In addition, the messaging will promote responsible attitudes and beliefs which will provide young people with the tools they need to decide on the healthiest course of action in regard to the use of potentially addictive substances. Research shows that educational programmes focusing on learning how to manage emotions and stress do better in addressing the root causes of addiction and dissuading young people [away] from using addictive substances rather than education programmes focusing exclusively on drug abstinence.

Madam President, licensed cannabis activities within the Bill's licensing regime are ultimately designed to allow adults to access regulated, safe cannabis plant material, medicinal cannabis, cannabis products and cannabis-infused products for medicinal, therapeutic and responsible personal adult use. The licence categories are as follows:

- a tier 1 cultivation licence that is to allow for the growing, harvesting, drying, trimming or curing of limited amounts of cannabis for adult personal use;
- a tier 2 cultivation licence which allows for the growing, harvesting, drying, trimming, curing and packaging of cannabis for medicinal cannabis for commercial purposes;
- a cannabis retail shop licence that allows for the operation of a cannabis retail shop for the sale of cannabis or the sale and consumption of cannabis;
- an import licence to allow for the cannabis and medicinal cannabis planting material for cultivation from any country from which it is lawful to do so;
- a tier 1 manufacturing licence which is to allow for activities relating to the processing of edible cannabis;
- a tier 2 manufacturing licence to allow for the manufacturing of cannabis products or medicinal cannabis products;
- an export licence to allow for the export of locally cultivated cannabis to a country in which it is lawful to do so;
- a research licence to allow for the conduct of scientific research relating to the development of medicinal cannabis;
- a transport licence to allow for the transport of cannabis or medicinal cannabis in Bermuda; and lastly,
- a cannabis event licence to allow for the sale and supply of cannabis at authorised private

or public events of an infrequent or temporary nature.

Madam President, collectively the Bill creates strict, responsible regulation of cannabis to be enforced by the Authority and the police, each empowered under the Bill to control and regulate cannabis within the framework. HM Customs Department Officers retain their role as well as their powers of protecting our borders against illegal drug importation. Ongoing cooperation between agencies will continue under the Bill and is essential for the integrity of this regime.

Madam President, another dimension of the Bill is that the associated licensing fees are designed to avoid a situation of *champagne for the few instead of water for all*. That is to borrow from an African expression [from Thomas Sankara]. It is the priority of this Government to prioritise economic access to the licensing regime for all segments of our society. Entrepreneurial interests among Bermudians anxiously waiting to enter the market has noticeably ramped up as this Bill has been making its way through the Legislature.

Much has been said by the OBA that the Bill will not provide business opportunities for marginalised groups because of the (quote/unquote) "high fees" and the high cost of doing business in Bermuda. However, this Government was so committed to providing opportunities for the marginalised groups that it has included a provision in the Bill expressly applying section 6A of the Human Rights Act 1981 to allow for *special programmes* under the regulated cannabis regime. This will allow for the implementation of policies and programmes directed to support and assist previously marginalised persons or groups to participate in the regulated industry.

Madam President, this is the first time in legislative history that section 6A of the Human Rights Act of 1981 has been transposed into another legislative instrument. The terms of any *special programme* are not prescribed in this Bill. That will be for the Minister responsible for the Cannabis Licensing Authority to work collaboratively to design any special programme. A special programme could, for example, take the form of reserving a percentage of the licences, or grant licence fee reductions or waivers for specified groups. This is the Bermudian legislative way of offering equity pathways for persons formerly affected by prohibition to participate in the regulated cannabis market.

Madam President, the licensing fees scheduled in the Bill are accessible and affordable. Licensing fees range from \$500 for a tier 1 cultivation licence, \$500 for a transport licence and \$750 for a private cannabis event licence. Licence fees are higher for larger, complex and high-revenue business types. For example, retail shop licences and research licences are set at \$10,000; and tier 2, the commercial cultivation licence, will cost \$6,000.

The Government is not legislating to give away start-up capital to entrepreneurs, nor to handhold interested parties into the cannabis market. It follows that responsible regulation and responsible use of cannabis requires that personal responsibility is demonstrated by individuals wishing to enter the cannabis market. The Bermuda Economic Development Corporation (sometimes known as BEDC) offers a range of support, information resources, courses and access to support for funding a start-up business, including a popular loan programme guarantee. Interested applicants for cannabis licences would be signposted to avail themselves to the BEDC's range of resources and services to equip themselves to take full advantage of the regulated cannabis regime.

This Bill does not prescribe a cannabis tax. The Government of Bermuda has not put a tax revenue ahead of first establishing a very viable framework and allowing the cannabis industry to stabilise.

Madam President, this Bill is the culmination of a comprehensive social justice reform project that included extensive consultation as well as stakeholder engagement from entities and experts across the health and helping services, law enforcement, finance and the justice system. To support the widest-possible consultation, the illustrative draft Bill formed part of the consultation package and was also laid in the Legislature for Legislators to contribute.

The underlying policy was revised during substantive public consultation—150 members of the public, stakeholders and interested entities made over 500 comments and submissions in total. Madam President, the consultation results aligned with liberal attitudes towards cannabis, demonstrating an overwhelming appetite for wider, lawful access to cannabis under a regulated regime.

Not surprisingly, the quality of some consultation submissions uncovered substantial local cannabis expertise waiting in the shadows and margins of society to take root. It is anticipated that our home-grown experts are readying themselves to start their lawful cannabis operations. Madam President, the Government has been transparent about acknowledging that its cannabis reform policy opens up lawful activities for cannabis beyond medical, scientific and industrial purposes.

Responsible regulation of licences, activities such as personal cultivation, retail licences and the personal adult use put Bermuda policies up against the prescribed limits of the various narcotic conventions, as articulated by the United Nations treaty oversight body, the International Narcotics Control Board (sometimes known as the INCB). The INCB reclassified cannabis in December 2020 following the World Health Organization's recommendation, recognising the wider therapeutic and treatment benefits of cannabis, further indicating that it is not liable to produce ill effects similar to other drugs in Schedule 4, such as heroin, fentanyl and other illicit opioids.

Madam President, the Government of Bermuda has consulted with the UK Government, Government House during this development of this Bill. The Government of Bermuda continues to pursue all diplomatic and legal options to deliver on its promise to our people, fully cognisant of the fact that the UK Government's International Narcotics Conventions obligations have extended to Bermuda. However, Bermuda, as a self-governing territory of the UK, democratically desires for social, cultural and public health reasons to chart its own distinct course in this difficult area of cannabis reform, while also adhering to international law to the greatest extent possible. Diplomatic discussions continue in this regard, with the hope that the UK will respect the democratically expressed wishes of the Bermudian electorate on this particular issue.

Madam President, it is clear that Bermuda is now met with a unique dilemma—to continue waiting in vain for the INCB and the state parties to narcotic conventions to catch up with the modern attitudes on cannabis, or to meet the potential international challenges head-on. The Government of Bermuda has chosen the latter because waiting would mean missing the narrow window of time to establish a national cannabis industry that can deliver real change and economic opportunities for the Bermudian people.

Madam President, Bermuda is not alone in this particular endeavour. The pathway to regulated cannabis's legal framework has been trail-blazed by example by Canada, which has regulated the cannabis industry, and 36 states within the United States of America which have laws permitting access to medicinal cannabis and/or recreational cannabis use. Other jurisdictions farther afield, like Uruguay for example, have a completely regulated cannabis sector.

Mexico's legal cannabis industry is expected to come online by the end of 2021. Remarkably, Mexico's legalisation was driven by a supreme court ruling that cannabis use falls under constitutionally protected modes of individual self-expression and that that same country, Mexico, desires to eradicate the drug cartels.

Canada and the United States, by enacting domestic laws permitting personal adult use of cannabis and creating a regulatory framework for a cannabis industry, are in a position of respectful noncompliance in regard to the International Narcotics Convention. Notwithstanding that, neither country has been subjected to any sanction by the INCB, despite Canada being called *an international rebel* and the INCB declaring its legislative regime to be (quote/unquote) "weakening the drug treaty framework."

Respectfully, Madam President, it would be disingenuous for the INCB to take such a hard-line approach against Bermuda's cannabis laws in the face of two G7 state parties to the convention notoriously in noncompliance with their treaty obligations.

Madam President, the cannabis policies and laws emanating from the Americas and the Caribbean region are more coherent with local views as well as cultural attitudes towards cannabis. Prevailing views in these regions, like those in Bermuda, recognise that contemporary science and risk-based harm-reduction strategies are far more effective at preventing cannabis misuse and illegal trades in cannabis than a prohibition-only approach advocated by the INCB. The cannabis laws from the model jurisdictions informing this Bill are sensibly consistent with the overall object and purpose of the Narcotics Convention—that is, to be (quote/unquote) “concerned” with the health and welfare of mankind.

This Government believes that a regulated cannabis industry, even one which permits responsible adult use, has greater likelihood of safeguarding the health and welfare of our population than the current state of affairs system that criminalises users and [creates a problem that] continues to proliferate despite all of the best law enforcement efforts to suppress it.

Madam President, cannabis has already gone mainstream. Cannabis industries are emerging and growing steadily in all of our gateway neighbours. In designing this Bill, government technical officers recommended principally following Canada’s example and adapted [it] to meet Bermuda’s jurisdictional distinctions. The Government of Bermuda is bold enough to chart its own course on cannabis, creating economic opportunities for our citizens.

The Bill presented opens the door for a viable, vibrant and equitable cannabis industry. The framework encourages entry to business for small and medium-sized entrepreneurs, as well as large companies. Even chefs, bakers and juice bars can apply for licences to manufacture cannabis food products. There will not be large monopolies dominating the cannabis industry.

Madam President, constructing an entirely new regulated industry requires continuous legislative amendments and regulations. This Bill is the foundational framing of a cannabis industry in Bermuda. The first piece of legislation cannot possibly, particularly at this stage, capture every eventuality. It cannot answer every single technical challenge the industry may face, nor can it be tailored to match the myriad of business issues that are likely to arise in the future.

As the provisions of this Bill are operationalised, the Cannabis Licensing Authority will collaborate with technical experts, industry partners, entrepreneurs, investors and the banking industry and the Office of the National Anti-Money Laundering Committee to influence the future design of added regulatory specifications within the existing licensing regime. With their collective expertise, they will have the best understanding of the potential risks associated with any ambiguities in the licensing regime and also identify ways of improving security issues, safeguards and

dynamics from within the specific areas in which they operate.

Thus, regulation-making powers are included within the legislation, allowing the Minister responsible to make specific and general regulations to enhance the regulated regime. Additionally, the principal Act can be amended by regulation to include future development.

This Government’s policy is not blind to potential risks of money laundering, which can emerge from formerly illegal businesses now becoming lawful, particularly for the proceeds of crime and effective border controls to guard against drug trafficking. However, by modelling our legislative framework on the Canadian model, Bermuda is also looking to Canada’s experience with regard to maintaining its high anti-money laundering ratings, notwithstanding its lawful cannabis industry. By applying the Canadian lessons, Bermuda can continue to demonstrate our effective anti-money laundering compliance regime during future follow-up reviews of the Mutual Evaluation Report by the Caribbean Financial Action Task Force.

Madam President, the totality of this proposed legislation provides for a better, effective regulatory framework for cannabis to displace the illicit market, protect the youth and the vulnerable persons and finally redress legacy harm-afflicting issues affecting our Black families. It provides fair and equitable access to participate in a proposed market at a time when the economy and families are suffering and searching for new economic opportunities. The passage of this Bill and the future implementation will deliver the greatest good for the greatest number.

Madam President, I remind this Chamber and the listening public to view this Bill for what it is. This is a cannabis licensing Bill. This is not a cannabis legalisation Bill. This is not an expungement Bill, and it is not a Bill to get persons off of the stop list. This Bill establishes responsible regulation for cannabis to replace the status quo of unlawful, unregulated, unsafe access to the illicit cannabis market in Bermuda, under which the only people who profit are the criminal suppliers, the criminal importers and [criminal] cultivators.

This Bill could never achieve perfection, nor could it deliver on all of the things for the diversity of personal opinions, for or against, or for those who are indifferent to the responsible regulation of cannabis. You also need to remember too that the negative views on cannabis are influenced by long-standing social conditioning and inherent biases that our society is just now beginning to grapple with.

Madam President, I look forward to a very constructive and very thorough review of the merits of this Bill, the Cannabis Licensing Act 2021.

Thank you, Madam President.

The President: Thank you, Minister and Dr. Peets, Government Leader in the Senate and spokesperson on Legal Affairs.

ANNOUNCEMENT BY THE PRESIDENT

SENATE VISITORS

The President: Before I open the floor, I would just like to acknowledge the presence in the Chamber of the Attorney General, Minister Kathy Lynn Simmons, as well as the Acting Permanent Secretary, Ms. Gina Hurst-Maybury.

Welcome to both of you.

[Cannabis Licensing Act 2021, second reading debate, continuing]

The President: Would any Senator care to speak?
Senator Jones.

Sen. Marcus Jones: Thank you, Madam President.

First of all, let me thank the Senator, Minister Dr. Peets, for this presentation. I thought it was very informative. There were some things that I did not realise in my own personal research that this presentation by the Senate Leader has brought some light to.

Having said that, Madam President, this Government has brought before us a Bill today that I believe commercialises corporate cannabis. I do not believe that the Honourable and Learned Attorney General, whom I am glad to see with us this morning—I am not too sure of all of the objectives that she and her team endeavoured to accomplish. But by going back and reading some of her press statements and even statements within this Chamber, I do believe that the present draft that we have today has gone through many twists and turns. It has been a long journey. And I can appreciate the fact that there was a fair amount of consultation that was held within this community, some of which may not have been as detailed and as comprehensive as we may have liked. But suffice it to say, Madam President, that consultation did take place.

On a side note, I would be curious to have heard from different drug prevention and drug treatment professionals in the community. I would have loved to have seen and heard some quotes from them in this presentation so that the community and we in these Senate Chambers would have some level of comfort that those who deal with the negative impact of the use and abuse of all forms of illegal drugs, and in this particular debate specifically cannabis . . . I would have loved to have seen and gotten some comfort from those who deal with this particular . . . the effects and the impacts on the Bermudian family. I would have loved to have seen and heard quotations from them.

But be that as it may, Madam President, I do believe that the burden of proof, or more specifically the burden of persuasion, lies in the hands of the Government Senators here today to convince us whether this Bill will completely decriminalise the use of cannabis. The burden of persuasion rests upon the Government Senators to convince us that the ability to cultivate cannabis for personal use is at best free for residents of this country and at the least affordable.

I took close note of Minister Peet's assertion that this fee schedule, which has been put out by the Government, is affordable to the average Bermudian. I would say that this was to some degree tone-deaf to what we hear in the community, where they can acquire this particular drug over the course of a year and be fairly satisfied without having to go through paying for a personal licence of \$500 for the licence itself and \$250 for the application for that personal cultivation licence. I would like to think that the Government will have a relook at that price point.

I believe that this Government needs to persuade and give a compelling argument to the community at large that the passage of this Bill would do its best to protect the vulnerable in our community from physical, mental and social effects—most importantly, our youth, the most valuable asset in our community, the next generation—because we know quite clearly, Madam President, that the part of the negative impact of the use of cannabis on our children is astronomical. There are numerous studies that show and prove that the use of cannabis in and by those of pre-adolescent, adolescent years, up to the age of 25 can have a devastating impact upon the recipient or the user of these drugs.

Whether it comes down to memory loss, whether it comes down to poor decision-making, we find that the use of this cannabis can create and result in poor performance in school. We see and have observed ourselves our young people who are under the influence of these drugs cannot be in some situations made responsible for their actions. Because what this drug does—and I believe to a large degree this part of the conversation has been lacking—is to emphasise the negative impact that this will have upon our youth most especially.

The burden of persuasion lies upon the Government Senators to convince us that the black market that, as Minister Peets shared with us, is profiting from this illicit market, that this market after the launching of this Bill would, if not remove entirely the black market (as we know that is a pipe dream) but at least have a significant impact on the profitability and the exploitation of the black market.

We need to ensure and this Government needs to convince us that the passage of this Bill will not be inaccessible, if that was their intention, for the average Bermudian. As it stands today, this regulatory regime makes it just about inaccessible for the average Bermudian. For those young men whom they look

to give an opportunity to, it will be hardest for them. That is why we on this side of the aisle have labelled this legislation as a *commercialisation of corporate cannabis*.

Let us make a couple of things crystal clear, Madam President. Number one, this Bill will not remove family members and friends from off of the US stop list. The US Consulate will tell you that. As much as we have lobbied and as much as we have asked for the US Government to lend us a little bit of grace and mercy, by all indications that legislation or that law, that US law, will not be changed. Now, that law is not just a policy that customs officers and border patrol officers use their discretion to use. It is the law. It is part of the US Immigration and Nationality Act. And it is not written just for Bermuda, as some may want to think; it is for the entire globe.

Every person who is not a citizen of the United States comes under that law. Every country has its own laws which determine who can come in, who is admissible and who is not. So as much as we sometimes feel hard-done-by, that this feels so unfair to our fellow Bermudians, it is something that every citizen of the world has to come to grips with.

But we also need to realise that that stop list is not only for drug offenders. That stop list is also for persons who commit white-collar crimes, whether it is embezzlement, whether it is fraud. Regardless of the form and type of crime that you commit, if you commit a crime, then you are putting yourself in a position where you can be inadmissible to the US and you would need to get a visa waiver to get there. So I think that fact needs to be clarified.

Madam President, we as Bermudians are very fortunate. We are one of the few countries that do not require a visa to enter the United States. It is a very advantageous position to be in. I would hate to think that after the passage of this Bill the US Government would look at Bermuda differently. Is it possible that once we are seen as a jurisdiction that has embraced and welcomed the commercialisation of cannabis, we may possibly be put into a different category as such of our friends in the south are now put on where they cannot freely have access to entry into the United States? I would hate to think that that would be one of the consequences of the passage of this Bill.

Madam President, the US Customs and Border Protection claims . . . and may I read a quote?

The President: Certainly you may.

Sen. Marcus Jones: “If a traveler is found to be coming to the U.S. for reasons related to the marijuana industry, they may be deemed inadmissible.” What does that mean, Madam President? That means that if one in this country is in possession of a retail licence to sell cannabis in this country and decides to make a trip to the United States for whatever reason, whether it is to purchase equipment or something that is relat-

ed to the cannabis industry, I believe the public needs to realise that this innocent journey to United States to gain equipment for your legalised business in Bermuda could put you in jeopardy in United States of gaining free entry into United States. I asked the question, and I was completely stunned by the answer that we received when talking to officials within the US Consulate. And I believe the public needs to realise that.

Madam President one of the things that this proposed Bill does not do, it does not ensure that our youth will not fall afoul of gaining access to this product. And it really gets my attention. And having listened to the debate in another place, there was much spoken about how the criminalisation of users of this particular product was disproportionately felt by the Black community. Now, we all know that Bermuda happens to be a country where the majority of its citizens are Black. So it makes sense that if that is the case, more Blacks than not possibly will come under the disproportionate, (I would say) unfair criminality of being found in possession of it.

But is it not sort of ironic that this particular product, this illegal product up to this date that has decimated the Black family—all of us have watched how the use and the abuse of this particular drug has caused so much negativity within the Black home—that now this Government wants to give more license for more destruction, for more calamity? It is not enough that the Black family has been exploited by unfair laws; now we are going to put the gun to the Black family’s head and say, *As a government, we’re going to validate the usage of this drug without sufficient measures to protect those who fall under the prey of this devastating drug.*

Now, one of the proposals within this legislation, Madam President, is to make the legal age over the age of 21. What we know from many surveys, many reports, most specifically from the American Psychological Association, who did a publication on “Marijuana and the developing brain” in November of 2015—[this report], plus many other reports give very convincing evidence that the use of this particular drug can have devastating effect upon the minds of the youth up to the age of 25. But this Government has decided that 21 is the age of allowance to use this drug when all reports show quite clearly that this mid-20 age is still susceptible to the negative impact of the usage of cannabis.

Madam President, how can a government tasked to safeguard its most valuable assets, that being the next generation, make the usage of a drug historically being promoted as a detriment to society and in the next breath make it easily accessible to the Island at large?

Madam President, one of the objectives of the mission statement for the Ministry of Education . . . and may I read a quote, Madam President?

The President: You certainly may, Senator Jones.

Sen. Marcus Jones: “To educate the community through educational, social and recreational resources that prepare, inform and engage life-long learning and access to initiatives that meet the needs of Bermuda residents.” I will be interested, Madam President, in hearing from the Junior Minister of Education his thoughts on how the legitimising or the commercialisation of the sale of cannabis and its increase in accessibility to the youth of this country fits into that mission statement.

Madam President, the Ministry of National Security, the Bermuda Police Service has a mission statement. It is quite simple. It is a three-word mission statement. It says, “Making Bermuda Safer.” I would love to hear from the Junior Minister of National Security who could give us some comfort that, after the passage of this particular piece of legislation, the direct exposure to cannabis use now removed will in fact make Bermuda safer.

The Ministry of Health, Madam President, they also have a vision. And if you may allow me, I would like to read it.

The President: You certainly may.

Sen. Marcus Jones: Their mission statement is “for an equitable and sustainable health system that promotes and protects the physical, mental and social well-being of individuals and the community.” Can the Junior Minister of Health give the people of Bermuda assurance that the once-limiting restraints now relaxed by this new legislation that will be put into place, can he convince us with data, with hard, cold facts that the passage of this Bill would in fact decrease instances of drug abuse, decrease and cause there to be fewer drug addicts? Convince us that there will be a fall in instances of driving under the influence of drugs once the laws have opened up the floodgates of corporate cannabis.

I was quite interested in the Minister referring to Canada as a jurisdiction [in] which the cannabis laws have been relaxed. I believe it has been since 2018. And if that is the template and the model that we as a jurisdiction are going to use, then let us listen to a few statistics that come from out of that jurisdiction. Madam President, the *Guardian* newspaper in April 5, 2020, states, and may I quote, “The black market [in Canada] is still vibrant while cannabis stocks have crashed, medical patients say they can’t get hold of essential medicines, and thousands of jobs have been lost.”

Madam President, Statistics Canada claims that just 29 per cent of Canada’s users buy all of their products from a legal source, and the price is almost double that of the illegal market. It was found that the consumer purchased low-grade weed for a higher price. Madam President, I submit to you today that the underground black market dealers will be laughing their heads off when they look to see that once this

Bill is out and being utilised, at the end of the day their former clients are going to come back, cash in hand, back to their illicit market. Because what this Government has not realised, based on other jurisdictions, is that the cost to actually have an enterprise of legal cannabis sales, its price points and its costs are so high that the consumer is going to be far more apt to go back to the underground black market, Madam President.

The potential passage of this corporate cannabis Bill because it is so onerous in its regulations and its price fee structure is so high, it will create an exclusive club. Those who are already established businesses, already have deep pockets, have easy access to capital, those are the ones who are going to rise to the top. And unfortunately, contrary to the objectives of the Government in making this potential enterprise accessible to the average Bermudian, that will not be the case.

Another thing to consider, Madam President, is that Bermuda’s soil and climate are not ideal for the cultivation of cannabis. What can be observed in the jurisdiction that we are holding up as a model is that the ones that are profitable, the ones that generate an income that makes sense, the ones that can be deemed as successful, are the ones that actually have a multi-million-dollar facility to create the ideal and the perfect cannabis plant. I do not see many of the dealers that I know of who have got that type of money that is stashed away to be able to create a facility or to create an environment that produces the perfect cannabis plant, Madam President. What will happen is that smuggling cannabis illegally into the country for sale will be far cheaper than buying the home-grown product in this country.

Madam President, what this legislation will not do . . . it will not encourage the financial institutions and banks to want to jump at the idea of capitalising this new emerging industry on the Island. Look no further than the gaming industry, Madam President. We find that four years ago laws were enacted to allow for gaming to be legal in Bermuda. Up to this point four years later we do not have a casino. We do not have a gaming facility in operation four years later. Several millions of dollars have been put into this emerging industry, and there is nothing to speak for it at all. This is the potential of what can happen within the emerging cannabis industry.

You see how it goes. The banks that we have today on this Island, they work hand in hand with corresponding banks. Now, these corresponding banks are very important when it comes to making transactions overseas, very important when you want to have a business that does not depend strictly on cash. Many of these corresponding banks do not want to run afoul of the laws of international countries all around the world.

The Minister spoke quite candidly about the anti-money laundering regime that Bermuda has

worked hard to produce, a gold-standard regime. I ask this Government the question: Will we come under more scrutiny if we take that giant step into the world of legal cannabis? We need to consider that. And the corresponding banks are looking at our jurisdiction very closely. If you go and research and investigate how it has worked in places like Jamaica and other countries to the south, they have many issues that arise from the financial institutions that are unwilling to take that risk. They do not want to manage the risk; they want to eliminate the risk. And so the difficulty arises of having to work with these banks when you are going to be producing a product that you expect to trade globally.

Madam President, the Eastern Caribbean Central Bank produced a report highlighting the challenges that financial institutions have servicing medicinal marijuana made largely available legally in developed countries, let alone recreational cannabis, which remains illegal in many regions around the world. As noted earlier, there are jurisdictions like Canada, Uruguay that have actually passed a law. And if we watch closely to the things and the obstacles that they have to face, we would think twice. We would be hesitant before we jump headlong into the waters of commercialised corporate cannabis.

Madam President, another thing that this legislation will not do, it will not bring comfort to those families in this country who have watched family members being destroyed by this drug. Madam President, I think it is good time now, as I am preparing to wind up my chat today . . . I think it would be appropriate for me to declare my interest in the consumption of marijuana from a personal perspective.

My declared interest is that I have no interest at all. My brother and I were raised in the home of a single parent who watched our community be decimated by the illegal and abusive use of drugs. What was once seen as a recreational experience that most people within the community used escalated into something that removed dreams and ambitions from many friends of mine. You may ask me, Madam President, *What made you not dip into the waters of testing this cannabis?* I will say to you, Madam President, quite candidly, my mother put the fear of God in my brother and me. I will say to you that if we were ever caught using this particular drug, I believe I would rather be taken to the police station than fall into the hands of one Ms. Mary Lou Jones.

But I will say to you, having said that, Madam President, having looked at and talked to many within this community who have an interest in being able to consume cannabis, I had to step back and I had to look at it again. And I had to say to myself, *To a consenting adult, should they not have the right to embark and consume cannabis at their will?* I had to ask myself that question. Should I impose my values on society as a whole when there are many within this country, whether for religious reasons, whether for medi-

nal reasons see the benefits of consuming marijuana? Madam President, if this Government would have another look at this legislation and set out to do the things that I felt they intended to do from the first times they talked about it, maybe there will be a place for me to sign off on this particular legislation.

But what this legislation does not do is it does not completely decriminalise cannabis use. It does not make it accessible to the average Bermudian. That is demonstrated [by] the high cost of a licensing fee of \$750. It does not decriminalise cannabis usage because that is demonstrated in the two pages of fines and possible imprisonment that will be placed on someone who is found actually peddling this drug without the licence. Does this sound like decriminalisation to you, Madam President? No. I think it is increasing the level of criminalisation.

In summary, Madam President, if Junior Ministers can give comfort respective of the ministries that they represent that the passage of this Bill does not require them to rewrite their mission statements which obligate them to ensure a safe and healthy environment for the citizens of this country, especially the youth; if this Government can convince us that the profitable black market that facilitates the sale of cannabis will be significantly impacted and reduced to being just a fringe player in this enterprise—

Sen. Curtis Richardson: Point of order, Madam President.

The President: What is your point of order?

POINT OF ORDER

[Misleading]

Sen. Curtis Richardson: Madam President, I believe the Honourable Senator Jones is misleading the Senate. Senator Jones would not have any Bill to put in front of him that he would support. The Senate is in the place to discuss Bills passed by the democratically elected Chamber. He has made no suggestions, as he would not support any Bill, just as he did not support decriminalisation. He has no moral authority to discuss the subject—

Sen. Marcus Jones: Objection, Madam President.

The President: Another point of order.

POINT OF ORDER

Sen. Marcus Jones: That is not a point of order.

He is reading something that someone sent him, and that is not a proper point of order. So, Madam President, without any more interruption I will continue.

Madam President, if this Government can convince us that the decriminalisation of cannabis in

its truest sense can be experienced by residents, right, and make it available for the average Bermudian; if this Government can convince us that banks, whether they are local banks or corresponding banks, will be able to join in and be part of the capitalisation of this commercial enterprise, then there is a possibility that we can sign off on this Bill. Many within the community have said this particular proposal is half stepping. Either come big or go home.

As much as it would be (shall we say) uncomfortable an idea and a concept, it will stick in line to what I believe the Attorney General has put in place or desires to do. This proposed legislation does not do this. So I encourage my colleagues to object to this motion to accept it and let it be sent back to the Attorney General's Chambers for a rethink and a rewrite. The people of this country demand it. The next generation deserves it.

Thank you, Madam President.

The President: Thank you, Senator Jones.

Senator Michelle Simmons, you had indicated earlier that you wanted to speak. You have the floor.

Sen. Michelle Simmons: It is still morning. Good morning again, Madam President.

Madam President, I have studied this Bill before us today very carefully because I really wanted to be fair to the process that all of us here in the Senate are charged with of reviewing legislation which comes to us after passage through the other chamber and through debate, through discussion, perhaps even effecting some change.

First of all, I want to thank Madam Attorney General, the Honourable Attorney General, and her technical officers who are here with us today for a very, very useful meeting with the Independent Senators earlier this week. The information shared and the discussions which followed I found very helpful.

From my reading of the Bill, I see the Government wants to establish a cannabis licensing regime that would see funds generated from such licences paid into the government's Consolidated Fund. I also want to thank Dr. the Honourable Minister Peets for his presentation this morning because he has set out before us the various licences, and therefore there is no need for us to repeat that list of licences that will be available for people to apply for.

I do have questions about the Bill. And I am going to start with one about the number of licences that will be issued. I would imagine that Government has some idea of the number of licences in each category that it is aiming to, I guess, issue. And that is an important point because it will also inform the work of the Cannabis Licensing Authority, which is about to be established if this Bill passes. I noted from information received this week at the briefing we had that in order to establish the Cannabis Licensing Authority, funds will be drawn from the budget of the National Drug

Commission . . . I should say the Department of National Drug Control. And I emphasise the name, the *Department of National Drug Control*. Their budget allocation, part of it anyway, will be used to establish staff for the Cannabis Licensing Authority.

That gives me cause for some concern, Madam President. We seem to be sending a rather confusing message to the public. On one hand there are government agencies which have been established to work towards drug prevention. And now we have a proposed new government programme for the licensing of various activities associated with a cannabis industry, a drug industry. Further, the Minister responsible for drug prevention is the same Minister who is establishing the Cannabis Licensing Authority. To me, that is very confusing. I am not sure how members of the public are responding to that, but it seems to be sending a double-blind message—confusion.

Let me be clear about my stance with regard to medical or medicinal cannabis. As prescribed by a practicing physician, I do support that. There is no doubt in my mind that there are some benefits to patients who are prescribed medicinal cannabis by their physicians. However, cannabis is a drug.

And my next question is, Should we be encouraging people to use this for recreational purposes? Or is it a drug that we should be advising people not to use? Since we know it causes both physical and mental impairment, the Government says in the brief from this morning that use of cannabis is probably a lower risk or causes less harm than alcohol and tobacco use. But does this take into consideration the period of time over which cannabis is being consumed and the potency of it?

I have personally seen young people who started using cannabis in their teenage years who now as grown adults are totally unable to function in society. And that is [because of] cannabis use.

Madam President, I did some research, and several studies I have read have shown that cannabis use and addiction are affecting young people in a disproportionate way. And let me be clear about that. I am referring to what studies have shown with regard to how cannabis has affected young people versus older adults. For example, Madam President, in the United States, of those going to rehabilitation for addiction to cannabis, 45 per cent are under 21 years of age. And I will repeat that. Forty-five per cent are under the age of 21. Now, if you step the age up a bit more to age 24 and under, the percentage rises to 55 per cent. That should be alarming for all of us. Because it is saying quite clearly that young people are very vulnerable to using cannabis.

Madam President, let me list some of the negative impacts of cannabis use: distortion of time and space perception, impaired coordination. Could all of this be helping to contribute to the increased risk of reckless riding and traffic collisions in Bermuda on our roads?

Young people have difficulty thinking or problem-solving. They suffer from impairment of memory. They suffer from, unfortunately, low levels of learning. In school-age children—and I have seen this—you will see behaviours such as truancy, habitual tardiness, fighting, stealing, vandalism. The list goes on. And I will end the list with low self-esteem. Schoolwork and the achievement of goals also suffer. Heavy users of cannabis suffer damage to social life, work or career status, and cognitive ability. Cannabis use is associated with increased rates of depression, anxiety, suicide, including adolescent suicide.

That is a list that should get our attention. It should make us all pause and ponder, and think, *Are we doing what is in the best interests of our young people? Are we doing what is in the best interests of the next generation? Are we doing what is in the best interest of this community?*

As a former educator . . . no, I am still an educator. As an educator, I have witnessed first-hand how cannabis use has impacted school-aged students. And it is my wish to see fewer, not more, young people engaging in cannabis use. I was alarmed when I read parts—because it is quite a big document—of the most recent school drug survey conducted in 2019, which showed that the onset age of cannabis use was as low as 9.6 years. Yes, Madam President, we have children in our primary schools who are using cannabis. It is easy for people to have access to cannabis.

What are we doing to safeguard our children? What are we doing to educate them about the negative effects of cannabis use? Does every school, every primary, middle, senior school, public and private, have effective education and prevention programmes? Unfortunately, Madam President, I already know the answer to that. The programmes are woefully inadequate. [Those programmes], Madam President, in my humble opinion should be our priority, to make sure that educational programmes, drug prevention programmes are in place for our most vulnerable. I was shocked to learn about a year ago that one of the drug treatment programmes in Bermuda, which was established to work with our young people, had been closed. I do not know why. But it has left a huge gap in service.

Madam President, again some of the studies I have read show that long-term chronic use and higher dosages of cannabis are found to correlate with a greater incidence of psychosis and schizophrenia. Madam President, I know I am addressing you and the entire community right now. But you are a health care professional. And I know that you are so much aware of this. This point is particularly significant due to the increase in drug potency over the years. And I believe the most recent study I read said drug potency has continued to increase over the past two decades. While the average potency has risen, Madam President, from 3 per cent tetrahydrocannabinol (TCH for

short) a couple of decades ago, it can now vary from 9 per cent all the way up to a high of 25 per cent.

Madam President, if we walk around the City of Hamilton we will see a number of people on our streets who are there not necessarily because they choose to be there. But unfortunately, due to drug abuse issues which have never been treated, they find themselves unable to function in society. It was very interesting that I passed a situation as I walked here this morning. It was happening on the steps of the cathedral. And I believe it was centred around someone who was having an issue. Perhaps it is related to drug abuse; perhaps it has led to a mental health issue. But we know for a fact that this is happening here in Bermuda right now.

One of the arguments, Madam President, that Government is putting forward for the licensing of cannabis is that it is too expensive to continue to have all of these major court trials. Further, the incarceration of individuals is very costly. In my opinion, it would be a lot cheaper for us to invest in our young people and spend funds on effective drug education and prevention programmes. I know I sound like a broken record right now, Madam President, but I cannot leave this alone. Education is a key component in helping people to understand the consequences of drug use. And it is essential that all of our schools are equipped with teachers who have been trained and resources to ensure that children understand, that they get the message as to the consequences of their decisions to use cannabis and any other drug.

Also treatment programmes, as I mentioned a minute ago. We need to make sure that there are treatment programmes that are specifically geared to our young people. Madam President, I have talked with local drug treatment officials. And I have found that programmes are struggling for funding. However, on the other hand, if the problem is that the programmes that are in place right now are ineffective, then changes need to be made so that new, more effective programmes are introduced. I feel that more effort needs to be made to tackle the underlying cause of drug use. And government funding is critical to the success of such programmes. That is why on page 9, clause 15(4) of the Bill, I was wondering, Madam President, why it reads as follows. And may I just go ahead and read that?

The President: Yes, you may, Senator.

Sen. Michelle Simmons: “The Minister may direct that a percentage of sums received from licence fees be applied for the following purposes—(a) the strengthening of social programmes related to drug abuse prevention and treatment;” (That is the end of the quote.)

Madam President, I would respectfully suggest that this section should read, “The Minister *shall* direct” This will make it a requirement that the

Minister *must* use a portion of the funds derived from licences to strengthen social programmes related to drug abuse prevention and treatment.

Madam President, of course my comments, my remarks have been focused mainly on the effects of cannabis use on our young people. So let me just go a little bit further. According to the Bill, people under 21 are not permitted to use or will not be permitted to use [cannabis]. If this Bill passes through the Senate and is then signed into law, we will still have the problems that we have today with many persons under the age of 21 having easy access to cannabis, whether through the materials sold in licensed premises or indeed from the black market. Let us not fool ourselves, Madam President, into thinking that the illegal drug trade will cease. It will not!

In the Bill, the intention is that all cannabis sold in licensed stores should be consumed there. We all know some people will not adhere to that and will want to take some of their purchase home to use later. If someone is caught doing this, as long as they are in possession of less than 7 grams of cannabis, they will not suffer any legal consequence. However, this also means that the cannabis they take away could end up in the hands of someone else, perhaps even a school student.

Madam President, the Government says that this Bill will bring real change and economic opportunities. However, I spent time researching other jurisdictions which have a regulated cannabis trade. And I found this. Since January 1st, 2018, when the State of California effected a legal commercial cannabis market, even though cannabis had been legal for medicinal use since 1996, the state put in place a regulated market. But what they have found is the regulated market has done a fraction of the business that was expected. And that was due to the fact that there were very few licensed cannabis stores. I do not know why. They do not know why. However, the state has shown that more cannabis is being grown and sold illegally in the black market. And it has been estimated, Madam President, that the black market is much larger than the legal industry. Therefore, the state has not really benefited very much in terms of increased tax revenue.

I also looked at the State of Colorado, which has had recreational cannabis since 2014. One report noted that cannabis arrests, mostly for sale and possession, were cut by more than half—that is impressive—from 2012 to 2017. But what increased, Madam President, was arrests for growing the plant illegally. This increased by more than 50 per cent—50 per cent! And seizures of illegal cannabis have skyrocketed in Colorado as people attempt to circumvent the state's licensing regime.

Further, Madam President, here in Bermuda I have already been told that there are some persons with great means who are standing by, waiting, looking forward to availing themselves of licences to grow

and sell cannabis. These are not persons who have been disadvantaged economically in the past. Therefore, since the Government wants to encourage entrepreneurship in this new industry, will there be a means test for those applying for licences? Or will there be some kind of rank ordering of those who apply so that those who appear to have been economically disadvantaged in the past receive an advantage?

I am just wondering.

Madam President, I am close to concluding my remarks, just a few more points. My greatest fear about this Bill is that there will be increased—an *increased*—cannabis use even by people who would never have considered using cannabis in the past. And that is because it was illegal to do so. I know that not everyone agrees with this statement, but I believe it. I also believe this will be followed by an increase in the associated negative issues associated with cannabis use. We do not need . . . and the “we” is Bermuda. We in Bermuda do not need to introduce another legal intoxicant into our society. And I know some would say, *Well, the intoxicant is already here.* But by making it legal to grow, to sell, to transport, to bake, to produce, to manufacture items associated with cannabis, is it not true that our Government is trying to encourage use of cannabis? I would hope not.

By the way, Madam President, I know that we often feel that Bermuda is another world. Many say it—a bit too often for my liking. But my research has shown that there are more than 50 countries that have adopted medicinal cannabis programmes, while (and this may surprise people) there are only three countries all over the globe—*three*—that have legalised recreational use of cannabis. And those countries are Canada, South Africa and Uruguay. We can add to the mix. [There are] 14 out of the 50 US states, two territories of the United States and the District of Columbia. That is it. Do we want to go down this road?

Madam President, there are a few things in the Bill that I would also still like to point out. On page 14, clause 24(1)(f)(i). This is the clause that deals with the inspection of premises prior to . . . sorry, application for a licence. And it indicates in clause 24(1)(f)(i) that there needs to be evidence . . . may I read this, Madam President?

The President: Yes, you certainly may, Senator Simmons.

Sen. Michelle Simmons: “[T]hat the applicant owns the premises on which the activities which are the subject of the licence will be carried on; . . .”

And then in clause 24(1)(f)(ii), it talks about “the written agreement with the owner of those premises to use the premises for those activities and a survey or other plan of the land comprising the premises or on which the premises are situated.”

I wondered why there is no need in clause 24(1)(f)(i) for a survey or a plan of the land. I know the difference between the two subsections is that in (i), the applicant owns the premises, and in (ii), they are renting premises. But surely, it would be helpful to have a survey of the premises in both instances. Anyway, that was just something I noted.

Also, on page 36, in Schedule 3, paragraphs 4(2)(a) and 4(3)(a), I just wondered again why they are so different in terms of requiring off-site security surveillance in paragraph 4(3)(a), but not requiring off-site security surveillance in 4(2)(a). Just asking.

And then further around on page 50, I noted what comes across to me as ambiguous wording. This is [Schedule 4, Part 3,] under the heading Mandatory condition of retail shop licence, paragraph 10(1). “The holder of a licence, his servant or agent shall examine the photographic identification as proof of age of any person seeking entry into the retail shop who appears to be under the age of 21 before granting access.” It is the “before granting access” that makes it a little ambiguous, because it almost sounds as though you are just going to check their licence. Even if they are under 21, they may still get access. So it just needs to be tidied up so that there is no misinterpretation.

Madam President, what changes will we see if this Bill is passed?

1. Licences must be purchased to grow, import, sell, export, transport, manufacture a cannabis product or conduct research.
2. Government will now be involved, even though it is on the periphery. But government will be involved in the cannabis industry.
3. There will be increased use of cannabis by adults.
4. There will still be an active black market for cannabis.
5. There will be continued use of cannabis by people under the age of 21, including school-aged children.

So what does Bermuda gain? Madam President, in my opinion, nothing—nothing that will help to improve our community.

Madam President, my fellow Senators, all of those listening on radio or online, we have to accept responsibility for keeping our families, and especially our young people, safe. My greatest concern about this proposed Bill is that it does not do anything to keep our children and youth safe. By adopting this Bill, we will be laying a very heavy burden on our community at a time when we need to focus our collective energies and wisdom on finding ways of pulling ourselves out of these economic doldrums. A cannabis industry is *not* the answer to increasing government revenue. It is *not* the answer to decriminalisation. Madam President, I cannot and I do not support this Bill.

Thank you, Madam President.

The President: Thank you, Senator Michelle Simmons.

Well, Senators, I think that we have had three submissions. Does anyone want to speak briefly? We will stop for lunch at 12:30.

Senator Wight, you would like to speak briefly? You have the floor.

Sen. John Wight: Thank you, Madam President. Yes. I will be very brief as I normally am.

So, the headline for me, or my read of the Bill in discussions with the Bermuda medical profession, family welfare groups and other stakeholders in Bermuda is that I have great concerns about this Bill. The lens through which I have reviewed this Bill prioritises the health and welfare of Bermudians. The COVID-19 pandemic in Bermuda has been managed extraordinarily well by Government. The main reason for this is that they have focused on the science as their priority—public health above the economy.

So with my priority being public health, particularly for our young adults, I sought first what the medical experts in Bermuda felt about this Bill as potential health consequences; and secondly, with cannabis having been decriminalised and commercialised in a number of states in the US, with Colorado being the first, what first-hand statistics Bermuda might draw from to determine what we might likely see in Bermuda.

My first point of reference in understanding the health risks was to read what the medical experts in Bermuda felt about cannabis and its effects on people. Some may recall that the 2018 Throne Speech referred to the possibility of a medicinal cannabis regime for Bermuda. The then Chief Medical Officer in Bermuda produced her report, a public document, in October of 2019 on her thoughts. And with your permission, I will just read one paragraph from that document.

The President: You certainly may, Senator Wight.

Sen. John Wight: So the final paragraph of her report spoke volumes to me. It said, “Most important in the role of the Chief Medical Officer is the responsibility to protect and improve the health of people of Bermuda. The potential risks to physical health, mental health, the social and psychological well-being of the people of the Island with the current proposal is significant. Feedback on health concerns was previously provided by the Bermuda Medical Council. Developing a health-related industry which may not be able to obtain the necessary regulatory and quality standards is a risk that we can ill afford to underestimate. There is potential for lasting harm to the well-being of the people and the prosperity of Bermuda.” [UNVERIFIED QUOTE] That is from the then Chief Medical Officer of Bermuda.

I then contacted the Bermuda Medical Council, which is now the Bermuda Medical Doctors Association, to seek their views on this legislation, to be advised that there had been no consultation with Government, which I found very unusual. If we are prioritising the health of our Island, why would not the governing body for medical practitioners be consulted with prior to this Bill being submitted to MPs and Senators to vote on?

I will not reiterate what Senator Simmons referred to with the Colorado statistics, but they were quite alarming to me in terms of the increased emergency room visits, increases in psychosis, suicide, increases in fatal motor vehicle collisions and a number of other alarming statistics.

I have spoken with family welfare groups in Bermuda, and I have learned, not surprisingly, that the number of families adversely affected by drug addiction continues to rise. The view of one prominent, highly respect professional Bermudian whom I spoke to was this: “Regardless of the adult views on smoking cannabis as a pleasure or a vice, the legislation, if passed, will establish a norm and send the message to our young people that will greatly reinforce their acceptance of it as a norm. As is proven with data, smoking weed does become an addictive substance for them and is a significant barrier to finding [employment], housing and a contributing place in society. There is much material data that shows the effect of smoking weed on a person’s ability to think clearly and effectively. For youngsters who start early, it interferes with their executive functioning skills and the ability to make good judgments.” [UNVERIFIED QUOTE] Those in my view are very concerning views from a family welfare expert who deals with these issues on a daily basis.

While I prioritise public health above all in this matter, which I am not qualified on—thus I sought views from health and public welfare experts—the matter of economics on this Bill is much closer to my educational background and experiences in the workforce. From reading the Bill, the one certainty is the spending to develop the infrastructure for this, which is not minimal. There is reference in the Bill to the hiring of executive directors, to the requirement for inspectors, analysts, to even the payment of the people on the Authority. But I have not seen any projections on the revenue side of the equation. And as I listened to the Minister of Finance deliver his budget speech, he referred to the fragility of our economy. So this uncertainty does not align, in my view, with the fragility of Bermuda’s economy.

The comment I have heard recently, that Bermudians will smoke cannabis with or without this legislation, does not resonate with me. The time for leaders to put values ahead of politics is now. This Bill sends a dangerous and concerning message to our youth in particular. I am not willing to jeopardise the health of more Bermudians so that a limited few may

benefit financially from commercialising a product that has so many detrimental physical and mental consequences, and compromises the healthy brain development of our young adults.

To repeat my opening remarks, the Government has done an outstanding job managing the COVID-19 pandemic and related issues in Bermuda. This was accomplished by prioritising public health over the economy. They listened to the science. As it relates to the Bill entitled Cannabis Licensing Act 2021, I ask the Government to reconsider this Bill and again prioritise the science and health of our community above all else.

Thank you, Madam President.

The President: Thank you, Senator Wight.

Senators, it is now 12:30. And I am recommending that we adjourn for lunch. And we will return at two o’clock. Not 2:15 as we normally do; we will come back at 2:00.

Thank you.

Proceedings suspended at 12:30 pm

Proceedings resumed at 2:00 pm

[Sen. the Hon. Joan E. Dillas-Wright, President, presiding]

BILL

SECOND READING

CANNABIS LICENSING ACT 2020

[Continuation thereof]

The President: Good afternoon, Senators, and the listening public.

Senators, we have returned from lunch. Prior to [lunch] we were debating the Cannabis Licensing Act 2021 and this morning we had Senator Jones, Senator Michelle Simmons, and Senator Wight speak on the Bill.

The floor is now open for any other Senator to speak.

Senator Richardson, you have the floor

Sen. Curtis Richardson: Thank you, Madam President, and good afternoon to all my fellow Senators and listening audience.

I would like to speak on this Bill that is being presented, the Cannabis Licensing Act 2021. What I would like to say, Madam President, is what this Bill is. This Bill is progressive. This Bill is a direct response from a responsible Government who is answering to the electorate. What this Bill is not is not speaking to the legalisation of cannabis. I have heard Senators and others speak of cannabis as a drug.

Cannabis is not a drug. I know that the impacts of someone's use of cannabis have been outlined by other Senators who are concerned about its use. I would like to point out that alcohol, although this Bill does not speak to it, has damaging effects and it is a toxic that is used by persons of 18 years and older.

I believe that regulation is a key. Illicit drug use is a target of that regulation. I do not know personally any drug dealers, myself. So I do not know what they would actually speak on and how much money they are charging for the illicit use and trade of this cannabis, so I cannot speak on that as freely as others may be able to.

I would like to speak further on a narrative that I've heard. This narrative speaks to *This Bill is not for you*. I would like to seek some clarification of whom that "you" is. I am not sure if we are talking about Two Bermudas where some section of Bermudians this Bill is for, and I am not sure if it was meant that another particular section of Bermuda this Bill is not for. I can say confidently that this Bill speaks to the availability of an opportunity for all Bermudians. And the opportunity that I speak of is an economic opportunity for those who want to [dive] into the entrepreneurship of it. So I am not sure exactly who the "you" is. So maybe Senators who have spoken that [narrative] could clarify who that "you" is that it is not for. I believe that it is a bit of a disrespectful, demeaning and separative statement to say that *this Bill is not for you*.

The interested persons will do whatever they must do to establish a business under the regulatory processes that this Bill would allow for. I believe that if someone is interested in entering this industry to establish a business they will do whatever they have to do to start that business up. I do not think someone's finances or the ability to pay for the start-up costs of the business should be brought to question because it is presumptuous to say that someone would not have the finances available to start up a business.

The illegal market of cannabis use and distribution exists. And I believe that we all know that. If we do not do anything, [this would be] the worst thing that we [could] do. Cannabis reform has been talked about for many, many years. This Government is actually acting on what has been said and what has been asked for and is responding responsibly.

I believe we need to be mindful that there are opportunities for many to take advantage of within this Bill. This Bill speaks to different tiers of licensing that has been outlined already: to cultivate, to distribute by way of retail shops, to import it, to manufacture for edible as well as medicinal purpose uses, to export it. What a wonderful thing that could be. And a research licence allows for persons to get educated on exactly what properties cannabis holds, to be able to transport it in and around the Island for the purposes of commercial use.

I believe it is easy for anyone to see that there is a great opportunity here. I cannot stress this any-

more than to ask that any Senators who are doubtful of this Bill to really think about the benefits that it can do and not so much get hung up on the belief that cannabis is a drug, cannabis is being misused. It is a fact that cannabis can be regulated, the use and distribution of it in many forms.

We are talking about economic stimulus, and this is one of the ways that someone who is interested could take advantage of that. I do not think there is any need to dictate scare tactics, scaremongering about how hard it might be for someone to establish a business, how much it might cost to do that, whether they can secure the funding or not. I just think it is unnecessary and it is distracting. Again, focus on the educational and learning opportunities that come with that.

If I could just jump to [the] progression timeline, it speaks to where this Bill is at. It is not the beginning nor is it the end of cannabis reform. And real quickly, in 2016 the allowance of medicinal cannabis was put into place by Government, under law. The International Narcotic Convention says you can import 1 gram of medicinal cannabis per year. I am going to jump back to that a little later.

In 2017, the [Misuse of Drugs] (Decriminalisation of Cannabis) Amendment Act was put forward. In 2019, the Medicinal Cannabis Bill was put forward to regulate cultivation, import, export and manufacture, research, development and transport. And it speaks to the licensing. So a natural progression from 2019 to now, where in 2021 a Bill that was announced for the Cannabis Licensing Act. I believe the progression, if you jump back to the 2016 allowance of medicinal cannabis, it just makes logical sense for us to be able to locally cultivate cannabis for medicinal purposes. With the 1 gram a year restriction, or ability, I should say, being already outlined to cultivate locally means that we can produce more than 1 gram a year. (*It can be produced, not "we"*). It can be produced in greater volume.

I just think, as I close, that as I stated before, this is just the beginning. I believe that full support for this portion of cannabis reform is vital. And it is essential. And I believe that all parties who were not only a part of the consultation, but also the persons involved in actually implementing these plans and these Acts and these Bills to put policies in place, need to be applauded. And if anything, concentrate on what the Bill is and not on one's perceptions of cannabis, which has many other derogatory terms used to describe it. This, again, is progression.

And with that, Madam President, I encourage anyone who has any doubt whether or not this Bill is good for the community to really take another look at it.

Thank you, Madam President.

The President: Thank you, Senator Richardson.

Would any other Senator care to speak on this Bill?

Senator Tucker, you have the floor.

Sen. Robin Tucker: Good afternoon, Madam President.

The President: Good afternoon.

Sen. Robin Tucker: Madam President, cannabis is the most commonly cultivated, trafficked, and abused illicit drug worldwide. This Bill establishes a Cannabis Licensing Authority to control the cultivation, manufacture, sale, import and export of cannabis and medicinal cannabis. And it seeks to provide an opportunity to allow disenfranchised persons to be able to participate in the economy which is intended, at least the Bill says, to create an opportunity to have an influx of money into this country.

Madam President, there is no need to continue to talk, from my perspective, about the benefits of medicinal cannabis. We all know that medicinal cannabis is available in Bermuda for people who have medical challenges. The OBA sorted that out in 2017.

Madam President, the impact that the Black market cannabis activity has had on Black males has been very difficult to watch. Many persons convicted of cannabis-related offences have been incarcerated and prevented from traveling to the United States. They have lost employment opportunities, educational opportunities, sporting opportunities and other positive travel opportunities available to them. I personally know of someone who got caught with a joint when he was 19 years old. He is now in his 30s. And he has a father in the US and he has been trying to get a green card to go; he can't. Or, at least, at this point he can't. He has been trying for years.

The Government further wishes to make cannabis cultivation its use and its distribution legal without directly addressing the issues of those who have already been negatively impacted by the justice system. For someone to establish a real profitable cannabis business, it will take significant time and financial investment to develop, particularly a cannabis export business. They will need facilities for research, proper testing facilities, [and] packaging facilities. They will need to hire specialised expertise. That expertise is unlikely to be found in Bermuda.

I have done some research and conservative estimates start at around \$250,000 to establish a recreational cannabis business. Who has that type of money? Certainly not the everyday people who have been caught with the joint like the person I have mentioned. I highly doubt that the everyday person who may be involved in the local Black market will have \$250,000 at a [minimum] to start a cannabis business. So is this corporate cannabis? Time will truly tell if this Bill gets passed. But I believe it is.

This Bill gives Government control of the local cannabis industry. In effect, Government becomes the primary dealer and encourages people to be in a business that has a negative impact mainly for our Black Bermudian families. So, Madam President, we have Black people selling to Black people.

While there is an appetite by some to pass this legislation, there are additional matters that must be considered. There has been no mention about mandatory training for licensees and workers on the health benefits and risks of cannabis. No mention of responsible sale techniques of cannabis and cannabis products as a licensing requirement.

Has there been consultation with the medical community for feedback on the health risks? I know that Senator Wight did mention that one segment of the medical community has not even been consulted by the Government. Some people only choose to acknowledge the benefits derived from recreational cannabis, but we must give attention to all the associated risks. Several of them have been mentioned here today.

THC, tetrahydrocannabinol, is the property in cannabis that is responsible for making you high. It can impair safe driving [and] pose issues for people who are operating heavy machinery, which can lead to an increase in accidents, workplace accidents and so on. One of the problems is that there is no test presently available to determine how much of that THC is actually in your system. So if you got in an accident, Madam President, and you had also been drinking alcohol along with your cannabis, it will be very difficult for anyone to tell whether the cannabis or the alcohol was primarily responsible for your impaired driving.

We have to also consider things that may happen in the workplace. Employers who do not currently have substance abuse policies will certainly need to shore them up. Employees may see regular and more randomised drug testing. And employees also should know that there is no protection in this legislation for an employee who is disciplined if cannabis affects their work performance. And I only raise that . . . I recognise that this is about cannabis licensing, but I raise that point as an additional thing to think about when we are considering about whether to pass this legislation.

Madam President, the most concerning thing to me about this particular Bill is that this legislation offers little to almost no real tangible protection for children, persons who have mental illnesses, or addicts. It has been recognised by the Government that these challenges exist.

Madam President, may I read a quote?

The President: Yes, you may.

Sen. Robin Tucker: "It is recognised health risks for cannabis users are heightened for adolescents, per-

sons with medical health challenges, or family history of such, individuals with cardiovascular problems and pregnant women. These high-risk factors can be worsened by initial cannabis use in early adulthood, near daily use, smoking the drug and by consuming it with excessively high TSC levels.”

That quote was taken from an op-ed that the Attorney General did in July 2020. So there is clear recognition that there are health risks to the people of this country.

Research regarding cannabis and teen development, as was mentioned here today, [shows] the brain is not fully developed until age 25. The CDC [Centers for Disease Control] notes that negative effects of cannabis for children include risks of mental health issues, impaired driving, declines in school performance, and potential for addiction.

If I may, Madam President, I would like to read another quote?

The President: Mm-hmm.

Sen. Robin Tucker: This quote has actually come from the Government of Canada. And I think that this is important to note because we are using Canada as our model.

This came from a Canadian Government fact sheet. “Cannabis use that begins early in adolescence that is frequent and continues over time has been associated with risks of harms. Some of those harms may not be fully reversible. Youth are especially vulnerable to the effects of cannabis on brain development and functioning. This is because THC in cannabis affects the same biological system in the brain that directs brain development.”

Madam President, this Bill allows also for cannabis retail shops to sell dry cannabis, cannabis oils, edibles, and other forms of cannabis. Edible cannabis includes things like cookies, cupcakes, gummies, candies, sweets, beverages, and even ice cream is available. Will the shops check every single person’s identification to ensure that they are 21 years or older? We are supposed to be checking identifications in our bars and it is not happening. So how can we be assured that it would happen in a retail cannabis shop? I am not confident that this is going to be the case.

I do have to join, and I believe it was Senator Simmons that asked this question: If the science says that the brain is not fully developed until 25 years, why are we allowing people to do it at age 21? Now, in case you are wondering if I am going off on a tangent, I am not because I am coming back to the edible cannabis point that I was making. Edibles are ingested and are alternatives to smoking or using cannabis in other types of ways. One of the important things to be aware of is the fact that edible cannabis, the effects of the THC in the edible cannabis, may not be seen and are often not seen right away. So someone could be

high after having edible cannabis as much as eight hours after they have had it. That is a huge concern.

Also, as it relates to edible cannabis, because as I said, it could be cookies, it could be candy, it could be anything. We run the risk of even children mistaking it for something that is a normal and a proper food for them to eat. There are serious health impacts for young children who ingest cannabis edibles.

I found a study that came out of Colorado. The rate of marijuana exposure in young children, many of them toddlers, they found increased 150 per cent since 2014 when recreational marijuana products went on the market legally. The legislation also does not say a whole lot about mandating child-resistant packaging and applying appropriate warning labels to ensure that our children are not adversely impacted.

Now, Madam President, it is no secret that our young people, our adolescents, and our young adults in Bermuda are using cannabis, whether they are smoking it, vaping, dabbing, using a shatter method, eating or drinking it. However, it is our responsibility, it is our collective responsibility, to ensure that we protect either those who are not able to protect themselves, or do not even realise that they need protecting.

I have heard quite a bit in the community, people have made comments that parents need to educate their children. And that is 110 per cent true. However, Madam President, if we are honest, not all parents are responsible. And some parents need to be educated themselves on the potential harmful effects of cannabis. We have people in this country, we have parents in this country who are using cannabis with their children. We need to tell the truth about what is happening here. Some parents have introduced it to their children. I know of a little child who is five years old who has been taught how to roll a joint. Not everybody is responsible.

The Government of Canada notes that cannabis use increases the risk of developing mental illnesses like psychosis and schizophrenia. As Senator Simmons mentioned in her speech, cannabis use has been associated with increased risks of suicide. It also has increased risks of depression and anxiety disorders.

Now, Madam President, now despite some of the myths that are going around about whether people can be addicted to cannabis, they can be addicted to cannabis. There is actually something in the DSM-5, and just to let people know what DSM-5 is: it is the *Diagnostic and Statistical Manual of Mental Disorders*, that the American Psychology Association [APA] uses to diagnose mental disorders. The DSM-5 includes a disorder called “cannabis use disorder.” So it can be addictive and also a psychological disorder.

Madam President, where are the local, social and mental health cannabis impact studies? Have we investigated whether there is a correlation between poor educational outcomes, suicide rates, road traffic

accidents or mental health and cannabis abuse? These are just to name a few of the current social harms that we have going on in this country.

The schools and social services agencies on the Island are currently challenged. They are challenged because they are trying to help young people who use cannabis [in addition to] other social problems in this country. That is not the only reason, but that is a reason and things that are connected to it. This legislation does not speak to that.

The biggest problem I have with it, Madam President, is that it does not protect our young people. It gives freedoms. It gives people the ability to do their thing and get high without the fear of the legal system, to a certain amount. But it does not prevent young people from using cannabis. And it provides insufficient safeguards to prevent easy access.

The research suggests that legalising cannabis results in increased use. So what additional support services will be in place to assist us? Is this the best that we can offer our children? Is this what we want for Bermuda? The risks to the health and well-being of our future generations outweigh any anticipated, particularly financial, benefits.

Madam President, while my comments may be seen as maybe even overly negative by some, I support the general intent of this legislation. As I mentioned earlier, we have a number of Black males, particularly, who have challenges. But I cannot support this legislation as it stands. There are many critical issues that must be resolved before we add any additional social pressures. Government's control, otherwise known as regulating the cannabis black market, has potential to be quite profitable. But where do we draw the line? We must put people over profit. The question is: How will that money be spent? Will it be spent on funding drug education and social programmes to the level at which it should be funded?

Madam President, the country already struggles with alcohol and substance abuse issues. Physical and mental health challenges, people self-medicating, crime, limited and oversubscribed support services, poor educational outcomes, debt, job loss, the list can go on and on. The question, though, Madam President, is what side of history do we want to be on? The impact of passing this Bill, as it stands, to our community, on our children and Bermuda as a whole, will not be seen immediately but in years to come. And those persons who are currently in support will bear some of the responsibility for the outcomes. This legislation must be gotten right first. If we do not, the genie will be out of the bottle and there is no going back.

I will conclude with this, Madam President. I have given this a lot of thought. But what I come back to is, How can I as a citizen of this country, as a grandmother and a mother, be able to look my grandchildren in the eyes and tell them about the dangers of cannabis knowing that I supported this Bill that has

the potential to harm society and provides them with little to no protection?

I cannot, and I will not.

Madam President, my hope is that the Government will take another look at this Bill. My more optimistic view is that this Bill will not pass. I believe that as Bermudians we are better than this. And I believe that it is incumbent on the Government and others to find another way to motivate and encourage entrepreneurship and empower persons who have the skills to engage in the cannabis black market—to hopefully get them out of it—in order that they can gain the wealth that the Government says they would like them to have without doing it at the expense of our Bermudian children and our Bermudian families. Thank you, Madam President.

The President: Thank you, Senator Tucker.

Would any other Senator care to speak on this Bill?

Senator Smith, you have the floor.

Sen. Ben Smith: Thank you, Madam President.

Madam President, I would like to start where this debate started in the beginning with Honourable Minister Peets laying out the fact that he has to wear multiple hats and what that means when he is trying to make a contribution in this kind of debate, because I understand [about] wearing multiple hats: Shadow of Education, Shadow of Sports and Culture, and the National Swimming Coach of Bermuda. But all of those align with my responsibility to make sure we are doing what is best for our young people.

Madam President, I waited last Friday in another place to hear the support that was going to come from very important ministries and what their position was on this legislation, and it did not happen. The difficulty is that when you are making the kind of decision that we are expected to make today, [which] will have ramifications for generations to come . . . because we do not know. We do not know what the outcome is going to be, because the legalisation is new in a lot of other jurisdictions, the ones we are looking to for our information.

So, Madam President, I was really happy today to hear Senator Michelle Simmons speak on education, and speak to the potential risk to our young people, because I expected to hear that from the Minister of Education. It is difficult for me to understand, when we are in the situation that we are in Bermuda at present, with our people lined up to get food, with our public education system having to be completely started fresh because we do not seem to be able to get it right and it has happened over and over again for a continuous period of time, how *this* becomes the priority.

If you told me that this legislation was about getting our people off the stop list, then I would understand, because the communication that happened

prior to today was a lot on that line. We have people who, over generations, have been hurt by the way the legal system has dealt with young Black males, specifically, in an unfair way, because of the illegal cannabis trade. But Madam President, this Bill does not address that. It does not address it at all. There are some misconceptions that being on the stop list is just for drug offences. It is multiple criminal offences that put you in that category. It is also the perceived drug addiction or abuse that can put you on that list. That is an important thing for people to understand. You did not have to have a conviction.

So, when you look at the legislation, and there are multiple times where it talks about the penalties and how we can see . . . yes, some areas will have less criminality; but we are actually increasing other areas where we could see criminality. So are we still putting our young, Black males on the stop list? Is that part of what we are trying to do here?

If you want me to clarify, the Minister talked about when you go through the regulations of cannabis, there will be areas where people who are not participating in the regular legal portion of what is being put forward, will be criminals. In Bermuda you have heard people say that we are scaring people when we talk about how expensive it is to do business in Bermuda. But that is a reality. If you are a small entrepreneur in Bermuda and you want to start up, it is expensive. But it is not just expensive with the money that you have to pay, it is the time that it takes to do everything in Bermuda, which sets you up behind.

But the double problem is that it also puts the advantage to the people who already have money, who already have the ability to invest, that already have the infrastructure in place, the people who have already set up all the contacts, the ones who are presently hoping that this Bill will pass so that they can start to make money off of giving marijuana to our people.

So, Madam President, it was interesting that we did not hear anything from the Minister of Health. But today when we hear from Senator Wight some of the information that was provided to Health, you can understand why—because it does not fit the narrative of moving in this direction. If the risks are that high, then shouldn't we be looking at how we are going to safeguard our population? Shouldn't that be the priority?

Madam President, in my opinion, we are putting the cart before the horse. If it is important for us to educate our people and to give the support to the services that it is going to take for drug counselling and prevention and all the support that is going to be needed for the issues that come when you decriminalise fully and commercialise cannabis, how are we doing that? Is that going to happen from the Bill that we see?

Madam President, it is an interesting numbers game. If you have to hire one person to be in charge

of whatever the new regulation is going to be, let's think about what the salary is. Then tell me how many licences we will have to give to cover the cost of that one person. The reason I bring that up is because when you look at the other jurisdictions that have done this, they have actually brought in millions, if not billions of dollars in revenue from the taxation of cannabis. Minister Peets was very careful to leave taxation out. He said that that is not something that we are going to be discussing today. I am paraphrasing. Those were not his exact words, but I noted that it was not available today.

But it is important that we have an understanding of what that is because there is a cost of regulating cannabis. A significant cost, because the millions and billions of dollars that have been brought in by California and Colorado and Canada have not been able to cover the cost of the regulation. Bermuda is a much more expensive jurisdiction, so if we think that we are going to be able to cover our education, cover our regulation, cover the protection of our children, cover all the increases of hospital visits, cover all the costs of fixing walls that people are driving through just off the licensing, then we are not being honest to our population.

Most of the states in the United States have moved toward this because they saw the revenue of the taxation. But understand something. When you tax cannabis in Bermuda, you are comparing the black market that is flourishing today to regulated business which already has costs associated with it to pay for your employees. If you are now going to have a brick-and-mortar establishment, you are going to have to pay for the electricity, the insurance. Your employees are going to have benefits that you are going to have to pay for. All of those costs will make your product look different than the black market product.

But the starting point will make it look equal because we will not have a tax. But what happens when the tax comes? If I am the person who spent all of my time and energy to put in that cannabis business, and did everything that the Government is expecting of me to follow all the regulations, and now I am having to share the market with the people who are not following any of those rules, I am not going to be happy about it. And that is when the rubber will meet the road. That is when we will figure out whether the corporate cannabis that we have created will be the ones that will challenge the system and have us criminalise the people in the black market—that same black market that is still flourishing in all the jurisdictions that everybody in here who has done their research has looked at, across the board. The black market is still flourishing.

So, Madam President, if we are not going to stop the people [who are engaged in the black market], and really if you cut to the chase, mostly the people who are going to have access to the business are going to be the ones who already have the means

to do it. The two main points for doing this have gone away. So our focus should be on how we can prevent our young people from getting engaged in this industry because that is the part that is a little off. Either we are really excited about the cannabis industry and we are going to encourage our young people to take part in the cannabis industry because we want people to participate in cannabis, or we are going to spend all of our time and energy to tell them and educate them that they should not be participating in cannabis. It is confusing. Which one are we doing?

Madam President, another reason why the black market is going to look at this legislation and wonder why they should change is because when you regulate it you are going to have an expectation that, yes, you are protecting your people. So you are not going to have the same THC level. You are not going to do things [at] the level of the black market.

Well, Madam President, let us not be confused. Most people when they talk about the positive parts of cannabis always refer to the medicinal. But recreational cannabis is about getting high. So for us to think that we are going to control the high is naïve, because the market will determine that the people who want to get high are going to find that high, which will mean that that other business will continue to happen. Why wouldn't it?

Just remember, at present, we have no way of banking it. So what is the incentive? What is the incentive for the person who is right now making a lot of cash and putting it in our economy by paying for things in cash, and the new business [which] will have the same issue? Because if you do your research into setting up these businesses in California and in Colorado, specifically . . . I contacted a business owner and said, *Can you explain the details from the beginning to the end? What does it look like?* With the amount of security that you have to provide, not only to protect your product, but to protect the proceeds—because you cannot bank it . . . so now you have lots and lots of cash lying around. Well, it seems like when you have a country that has an economy problem, you have increased the interest in a criminal activity. The reason you have to have all the security is because people want to take that cash cow that you have created from you for themselves. This is not the part of the story that most people tell when they are speaking for cannabis.

Madam President, this is not us saying that we are against cannabis and against people who participate in cannabis, specifically adults who are responsible. That is not what this is. But, Madam President, when you do this without having all of the pieces in place to protect your population, knowing in advance what impact it has had in other jurisdictions, you are putting the cart before the horse. Our job needs to be to protect our people.

Once again, for our young people . . . so the age is 21. Well, the age for drinking in Bermuda is 18.

That does not stop people from drinking. But one of the things that happens with alcohol is its availability. There is wine and beer or bottles in your house, so the child has access to it when parents are asleep. And this is not stuff that . . . I mean, everybody in Bermuda knows that this is the case. It happens all over the Island. The cannabis behaviour is in the shadows. It is not in the open. You do not have the same level of availability because at the moment you cannot do just whatever you want with it. But now it changes.

And whether we like it or not, it is not always the message but the messenger. When the Honourable and Learned Attorney General is the person that is bringing the Bill forward while also holding the responsibility to protect us from drugs, and when the Minister of Sport is expected to be the person to bring it to us in the Senate . . . man, what a message to our young people.

Just understand that our athletes will not be able to partake. They are still going to get tested. They still will not be able to travel if they get caught out. But the mind-set, the perception will have changed. And the people in Bermuda who are working hard right now to encourage our young people to do the right thing, to encourage our young people to strive for the best, to be able to compete on a world stage in sports, in education, and in business . . . what message are we sending them? That this is our priority? How did we get here? We know the risks. We have all explained, we have heard it multiple times today, we know the risks.

Madam President, I can speak personally of the impact, not based off of hearsay. Many of you would have seen in the paper recently that a former Olympian from Bermuda was down and out, drug abuse, and had a stroke. He is the same age as me. He was a swimmer. I grew up with him. He was one of my best friends, one of my cousins. He is a family member—one of the most talented Bermudians ever. Alcohol, then marijuana, and then the marijuana was laced, and now he ends up where he is.

I understand the idea that this legislation is supposed to try to protect this next generation from the laced part. But how? We have not stopped the black market. If we have the ability to stop it, let's do it today!

There were some statistics that were presented today on the consumption of different drugs. And we have heard this . . . I was actually shocked the first time I heard it last week in another place, but I actually heard it again today. [We heard] that cannabis is in our culture. Well, if you actually listen to the stats that came out today, the fact that we consume alcohol at a very high level, and cannabis very closely to that, then maybe alcohol and alcohol abuse is also a part of our culture. But do you know what the problem with that is? Our job is to try to get our country to do better. We should not be going around telling everybody that the

culture of Bermuda is cannabis because now the culture of Bermuda is *we self-medicate*.

That is our culture.

We self-medicate because, Madam President, there are a lot of problems in Bermuda. And what we are doing is making ourselves numb every day so that we do not have to deal with those problems. Well, Madam President, giving access to more things for us to numb ourselves with is not the answer. We actually need to tackle the problems. That should be our priority. That should be our focus. Unless what we are saying is, *We are giving up. It's okay that our young people are drinking too much. It's okay that they are doing too much cannabis. Oh, you know what? We are going to regulate it; that is going to make it better.*

We should be spending all of our time and energy to educate them to prevent that. But Madam President, we do not have the resources for that today. The people in that industry, the people who are in our support industry, know we do not have the resources because it is so prevalent. And as the economy gets worse, and the situation in Bermuda continues to go in the direction that it is going, the self-medication will continue to rise.

Madam President, the question that we have to ask is, Is corporate cannabis going to help that or slow it down? I think that what we should be doing in this Senate is trying to prevent that negative impact on our population. Because guess what we do? We have sin tax over here. We are going to increase the tax on tobacco, and we increase the tax on alcohol, and it is supposed to be a way for us to reduce the consumption of those but the truth of the matter is that it just becomes money that we dump into the pile and the behaviour stays the same. We added one. We added sugar tax because we have an unhealthy population. We did not do the education first. We did not try to fix the problem first. We taxed it.

Once again, we have moved to the money side of this first. Fast forward five years from now; will we be continuing to increase the tax on cannabis in order to control the consumption the way we do alcohol and tobacco?

And, Madam President, this is not me defending tobacco and alcohol businesses that happen now, as some people would like to put forward. And we are stopping the Black entrepreneur from being part of the cannabis industry. Because last time I checked, there is not anything in the Bill that says that a white person cannot get involved. So Black or white, getting involved in this business is a possibility, unless there is somebody who is going to tell me that there is an amendment that puts race in who can have a licence.

But Madam President, I believe after looking at this Bill and the fact that it does not deal with the stop list, the fact that we will continue to see a black market, we will continue to see our people be made out to [be] criminals, the fact that we will continue to see our young people falling prey to the cycle of self-

medication . . . then maybe that is why this Bill is a corporate cannabis Bill. And five years from now we will see who the future Gosling family is for cannabis, because other than that it does not make any sense how we got here.

If what we are discussing today is how we can take advantage of our people to make money, then this should not be happening. For that reason, Madam President, there is no possible way that I can support this. Not when I spend my days trying to encourage our young people to reach their full potential. That should be our goal. Because if we can get our young people to reach their full potential in education, in the workplace, that is how Bermuda is going to get out of our issues and start not just surviving but thriving.

We cannot put another obstacle in their way. Thank you, Madam President.

ANNOUNCEMENT BY THE PRESIDENT

SENATE VISITOR

The President: Thank you, Senator Smith.

And before I ask if another Senator wants to speak, I would just like to acknowledge the presence of the Honourable Cole Simons, the Opposition Leader.

Welcome to the Chamber, sir.

[The Cannabis Licensing Act 2021, second reading debate, continuing]

The President: Would any other Senator care to speak on this Bill?

Senator Lindsay Simmons. You have the floor.

Sen. Lindsay Simmons: Thank you, Madam President.

First of all, I would like to thank the Attorney General and her team for bringing this Bill forward. It is definitely needed. It is actually disappointing to see the other Members opposing this Bill. At the end of the day, this journey is not over regardless of what the outcome is today.

As somebody who has never used cannabis, I 100 per cent support this Bill for various reasons. I believe that cannabis should be allowed under the Government's regulatory powers in Bermuda under the current legislation. Cannabis is a plant and is natural. It can help many lives if it becomes regulated. One of them is to reverse the preconceived notions, remove unfamiliarity and to educate people on the known and unknown about cannabis.

Over the years I have constantly been an advocate for young people within the community and I have seen several of them caught up in the system because of minor cannabis offences. This legislation aims to protect our children. As a community, any pol-

icy on cannabis has to primarily consider the potential that impacts our children and young persons. The Government fully shares in the public's uneasiness about the potential negative impact upon young people.

Our young people's attitude to cannabis is generally responsible. They largely perceive that smoking cannabis sometimes or frequently is harmful. On average, 80 per cent of school-aged kids report that they have used cannabis in their lifetime. According to them, cannabis is easy to obtain. Young persons are more likely to use cannabis at a friend's house, at home, or a social event. Most young people who admit to using cannabis have smoked it.

This Bill has set an age restriction of 21 to obtain a licence to work for a licenced establishment and to consume cannabis or cannabis products. Setting an age of 21 is to protect the developing brain, based on strong scientific evidence that when people begin using cannabis as teenagers the drug may impair thinking, memory and learning functions, and affects how the brain builds connections between the areas necessary to function, including the loss of IQ. The adolescent brain is thought to stop developing at the age of 25. Bermuda is following the Canadian model which sets an age limit of 21. [If the] age limit [is] any higher than 21 [there is the] risk potentially of exposing the age group (21 to 25) to [charges of] criminally supplying cannabis. Also, constitutionally claims of discrimination can occur.

Madam President, the National Institutes of Health has undertaken a 10-year scientific study called the "ABCD Study" [on] adolescent's brain, cognitive development and soft issues, including cannabis. The result of this study will give greater certainty about the harmful effects of cannabis on adolescent's brains and cognitive development.

This licensing regime will also include restrictions on promotion and packaging of cannabis directed at youth, [with] additional express provisions placing restrictions on packaging of cannabis and cannabis products so that they are not seen to be appealing to youths. This will be legislated. Until the medical research is conclusive, the intention is to take a cautious approach for our young people, reducing the age limit for cannabis among adolescents and young adults.

The Cannabis Licensing Authority will work in partnership with the Department of National Drug Control (DNDC) to develop the educational programmes for school-aged persons, emphasise personal responsibilities and promote abstinence. The DNDC will continue to monitor and track cannabis use data among young people and adults and supply reports to the Minister responsible for drug prevention.

Cannabis use public awareness campaigns will be focused in the same way as alcohol. As you see Madam President, alcohol is a huge problem in Bermuda. And we feel that the black market of canna-

bis needs to be regulated as well. The criminal offence related to providing cannabis to a person under the age of 21 with penalties is also included in the regime. So we are looking to protect our young people, unlike what my fellow Senators are trying to say. Young persons found in possession of cannabis will automatically be diverted into a substance abuse training or treatment programme. To protect the public from dangerous strains of cannabis the Minister may restrict the sale, supply, cultivation, importing or manufacturing of certain strains of cannabis or medical cannabis. These and other protection measures will continue to evolve as the regulatory regime is to enhance additional regulations. The Minister will be responsible to keep the operations of the Act under review. After two years of the law being in operation, the Minister is responsible for conducting a comprehensive review and report to the Legislature.

Madam President, in addition, a fair legal system would be [that] the Government looks to move the cannabis sales out of the streets that are being dominated by criminal activity. Our Black men are being disenfranchised, and continuing this line will only disenfranchise them more. Regulating it will help to stop disenfranchising our Black men.

By regulating the market we can begin to ensure that criminal groups and gangs do not make billions of dollars in profits every year. And those strict regulated sales could safeguard people from consuming cannabis polluted with other dangerous—

Sen. Marcus Jones: Point of order, Madam President.

The President: What is your point of order?

POINT OF ORDER
[Standing Order 49(10)]

Sen. Marcus Jones: My point of order is . . . as good and as well as the Senator is doing, it appears that she is reading more than she is actually giving the speech. I would like for you to arbitrate that.

Thank you, Madam President.

The President: I am giving her the opportunity to . . .

Sen. Lindsay Simmons: Thank you.

The President: Carry on, Senator Simmons.

Sen. Lindsay Simmons: And this will safeguard our young people.

Now is the time that we are progressive as a country and we regulate the recreational use of cannabis. I believe that this Bill needs to be passed and I hope that the Senators on the other side will realise that this is the only way forward. Doing nothing and continuing down the same road is not helping Bermu-

da. So passing this Bill is something that needs to happen.

Thank you, Madam President.

The President: Thank you, Senator Lindsay Simmons.

Would any other Senator care to speak at this time?

Senator Hodgson, you have the floor.

Sen. Adrianna Hodgson: Thank you, Madam President.

Madam President, when I look back at 2017 and I think about the full support for passing the [Misuse of Drugs] (Decriminalisation of Cannabis) Amendment Act which decriminalised simple possession of up to 7 grams of cannabis, I am a bit confused about the reluctance to support this Bill. While it is unfortunate that we cannot tell where exactly the Opposition Senators stand, giving their hesitancy to take a clear position, I am not surprised. Once again, the Opposition has failed to give any substantive recommendations on how this legislation could better serve our people. And [as] I reflect on the comments from the Government Senators, I cannot help but wonder what they have done as educators and health care professionals to address the issues that affect our young people.

Madam President, given the misinformation shared today I think it is important to highlight a few items. 1) There are protections with further regulations to come; 2) health professionals were consulted; 3) we are not here to debate whether or not cannabis is bad or good.

Madam President, in light of the comments made by the Opposition Senators I am also concerned about their perception that the average Bermudian cannot compete in this space. I want to make it clear that if persons have figured out how to illegally import cannabis over the years, that my Bermudian people can start and grow legal businesses in this new industry.

Madam President, over the past few weeks I have heard comments that suggest that this Bill will expose our children to cannabis, that this Government supports the use of cannabis, and that our Government simply wants to make money off of this new industry. Besides the fact that our children are currently being subjected to the effects of an illicit market, I want to make it clear that there are no taxes provided in the cannabis licensing Bill, and that this Government is actually excited about giving persons the best opportunity to succeed in the initial phases. In that same breath, a profitable motive is not a bad decision. And if the Government can make money off of a good idea, I believe that we should explore it.

Madam President, there are also those persons who believe that this Bill will lead to a drastic increase in consumption amongst Bermudians, and

this is simply not the case. There is no evidence to suggest that the introduction of a regulatory framework will increase the number of users, or that the amount that they consume will increase. If you do not use cannabis, Madam President, it is because you do not want to. It is not because it is illegal. When our party released our platform last year, we committed that, following extensive consultation, Bermuda's new cannabis industry would soon take shape. Madam President, we promised that we would structure the regulation of cannabis to protect our children and create economic opportunity for all, and that the additional revenue generated would be invested in marginalised communities. We also pledged that all Bermudians who have been negatively impacted by cannabis prohibition would be able to apply for a licence and participate in this new industry. As noted in our Throne Speech, we are making good on our promise to bring this Cannabis Licensing Act to the Legislature in this session. And so, again, I am challenged when I hear persons pushing a narrative that suggests that this party would hide behind the Cannabis Licensing Bill to push our ideals on independence.

Madam President, the debate around the legalisation and regulation of cannabis began way back when it was first prohibited. And so it is no surprise that we are here today. As most of us are aware, cannabis is the world's most widely used illicit substance. Bermuda is no different. While there are those who point to the dangers, including the possibility of abuse and addiction, particularly among young people, we have to acknowledge the fact that the perceptions of cannabis have changed drastically over the years and that we now better understand the endless uses of this plant.

Madam President, the truth is that when we look around our Island persons under and over the age of 21 are both using and cultivating cannabis. This is exactly why we are exploring the regulatory framework. This is not about encouraging or discouraging its use; it is about the need to set parameters.

Madam President, while we acknowledge that there are public concerns about the children, I do believe that we have an opportunity which begs a responsibility for us to educate our children on the truths of cannabis. Much like we teach our children about swearing, alcohol, and the effect of media consumption, we need to be able to talk to our children about cannabis and other grown-up activities.

Madam President, I was actually visiting a book store last year and came across illustrated children's book about cannabis. It was interesting because while I was a bit uncomfortable about the idea, I was actually forced to think about the fact that talking about cannabis should be no different than talking about alcohol or the modern idea of sex-positive parenting.

Madam President, we are all adults here. The truth is that when we as adults hide something from

our children it suggests that we are doing something wrong. By avoiding these important conversations with our children, we feed the stigma around cannabis and they become judgemental of it.

Madam President, scare tactics and fear-based approaches have not been effective in preventing substance misuse and in some cases have even contributed to increased rates of use. When we fail to provide guidance, our children are left to make their own decisions and our schools and neighbourhoods deal with the consequences.

Madam President, before I wrap up I think it is also important to acknowledge that some employers are concerned about the implications for employees. Many employers maintain zero tolerance policies on using drugs in and outside the workplace and naturally do not want their employees showing up to work intoxicated. Do not mislead. These new cannabis laws do not prevent employers from applying their workplace safety policies, nor does it allow employees to ignore workplace policies.

Madam President, while most cannabis use happens privately, all cannabis sales currently take place in an illicit market that is undoubtedly driving organised and gang-related criminal activity. Our Government has made a responsible start. We have been guided by the objective of reducing the harms that cannabis can cause, especially for our young people. And we are ensuring the appropriate oversight at every point in the supply chain.

Madam President, while millennials tend to take more of a liberal position when it comes to major issues, the statistics prove that when it comes to cannabis our views are very similar to the senior members of our society. This Government has no intention of legalising or encouraging the use of cannabis. Instead, we are providing a balanced cannabis licensing regime whereby the industry will be regulated by an Authority. Our people will have access to economic opportunities and it will be able to better protect the public health by ensuring the quality of products being consumed in our communities.

Madam President, we cannot just put our heads in the sand and hope for the change we so desperately need. The first step was decriminalisation. Possession of cannabis up to 7 grams remains lawful, and possession of any amount above 7 grams without a licence is subject to seizure and arrest. This new law will go a step further and permit lawful cannabis activities at licensed locations, which means that adults over the age of 21 will be able to consume cannabis in a private home, in a licensed facility, or at a cannabis licensed event.

Madam President, I want the public to understand that use and consumption in public places remains illegal, that carrying out any of the specified activities without a licence is an offence and that driving under the influence of drugs will still be punishable by law. Cannabis retail shops will not be allowed with-

in 100 feet of a church or a school. And planning and zoning laws will still apply to cannabis retail shop locations.

And so, Madam President, while this legislation may not be perfect, I do hope that you will support this Government's efforts to set up a regulated framework for cannabis industry complete with licensed activities and responsible cannabis use for adults. To the entrepreneurs, the elders, and the members of constituency 23 who are looking forward to the passing of this Bill, I ask that you stay tuned. While the lack of support is disappointing, it is consistent with the historic narrative that has never benefited our people.

Rest assured that this journey has just begun. The democratically elected representatives of the people fully support this Bill and I have hope that we can move this legislation forward in the best interest of our people.

Thank you, Madam President.

The President: Thank you, Senator Hodgson.

Would any other Senator care to speak on this Bill?

Yes. Senator Owen Darrell, you have the floor.

Sen. Owen Darrell: Good afternoon, Madam President.

The President: Good afternoon.

Sen. Owen Darrell: Good afternoon to the listening audience. Good afternoon to the Attorney General. Good afternoon to the Opposition Leader. Good afternoon to the officers who are in these Chambers today to assist with this debate.

First of all, Madam President, before I get into some remarks that I have jotted down over the last couple of days, weeks, [and] months in preparation for this debate, I would like to just touch on some of the points that I have heard in this debate that has been going on for the last couple of hours.

First of all, Madam President, cannabis is a plant. And if you look in Part 1, section 2 of the Bill that we have been debating today, it states: "All parts of any plant of the genus *Cannabis* . . ." It is not a drug, Madam President; it is a plant.

I do not like the use of the word or the term "black market." I do not know [why]; I just do not like it. But we have heard that all day from other Senators that have been debating today. I like to use the term "illicit" or "illegal" market. Also, I heard the term "floodgates" mentioned. And I would like to say, *Exactly*. The floodgates of cannabis use in this Island are already wide open, Madam President. And that is why this Bill sets out a regulated cannabis regime, so that we do not have to worry about the floodgates opening any further.

“Legal.” I have heard that term quite a bit. Legalisation. In this Bill you will not find the term “legal.” I do not think any of my colleagues today have mentioned the term “legalisation.” We are introducing a regulated cannabis regime, not legalisation. There has been a lot of talk about money—money, more money. One Senator said the dealers he knows will not be able to afford to join the regulated market. Well, that is probably a part of the problem. We have got Senators fraternising with drug dealers. I will leave that for a little later.

Stop lists. We have heard much about the stop lists and how we are going to get people off the stop list. Well, let’s start here. How do we stop our people in this country? I have not heard Bermuda mentioned a lot in this debate. How do we stop our people from getting on the stop list in the first place? And we can worry about how we are going to get them off. But I think that there is a Bill that is going to come on Friday that will speak to that in another place.

Safeguard, safeguard, safeguard, safeguard. We have heard it all day. I would like to ask this question: How well are we currently safeguarding individuals from consuming cannabis in our Island at present? Is doing nothing going to stop students from consuming cannabis in our school bathrooms, in our school stairwells, on their walk to Hamilton, or hanging out in the car park? I do not think so. [To] take safeguards a step further, I heard another Senator in our debate today (she may have been a candidate in constituency 7 where I live) brag about how she knows of a 5-year-old who knows how to roll cannabis. I think we will probably be finished before five, maybe that Senator should take a walk right down to the—

Sen. Marcus Jones: Point of order, Madam President.

Sen. Owen Darrell: —Department Child and Family Services.

Sen. Marcus Jones: Point of order, Madam President.

The President: What is your—

POINT OF ORDER
[*Impugning integrity*]

Sen. Marcus Jones: I believe the Senator is trying to assume or assert that one Senator is bragging. That was a word that was not used. He is impugning her character and, Madam President, I believe it needs to be stopped. Thank you, Madam President.

The President: Senator Darrell, you can continue without the reference—

Sen. Owen Darrell: Thank you.

The President: —to the Senator.

Sen. Owen Darrell: Madam President, it was mentioned last week, and it is ironic that the Minister responsible for culture brought this Bill in this place today. But as I said a minute ago, we have heard very little about Bermuda and the culture of the place where I live, the individuals that I hang out with, the people that I talk with on a daily basis. We have heard very little about culture. Money, youth, black market, but nothing about real life as it pertains to what is happening right now and for the last 50 years in this country.

So, I want to take some time to just go through some of these notes that I have put together over the last, like I said, days, months, weeks.

As we heard earlier, it has been 49 years since we first saw the Misuse of Drugs Act 1972. And since then countless young, Black men, Madam President, have had their lives ruined by the heavy-handed approach of the criminal justice system when it comes to the issue of cannabis. Madam President, in the Bermuda that I live in there is no shortage of stories up and down this Island about men in their twilight years who are unable to travel to the US, unable to go to Canada, or celebrate graduations, accompany their family members on medical procedures or just get away for a shopping trip.

I want to pause and tell a very, very sad story about a young lady who went to school with me. I do not know when it happened, but [she] got in some trouble due to cannabis. I never knew this, but at some point she must have been added to the stop list. I got a call in my professional capacity one day asking me, *What can you do to help your school friend? She is in desperate need of medical attention. What can you do? Who can you call? It is desperate.*

I made a few phone calls. The person on the other line said, *We’ve had calls about this all day.*

I said, *Please, please, please help my schoolmate. She is on the stop list.*

Sad, Madam President, that my school friend got a waiver. She got a waiver on Wednesday. Unfortunately, she passed on Tuesday. So we can sit here and we can talk about taking people off the stop list and what it will not do, but, Madam President, that is culture. That is real talk. That is a real life situation.

Madam President, there are young men in this country who have used small amounts of cannabis. They have gotten caught. They have been sent to jail. They have paid their debt to society only to re-enter a society with more shackles than when they were actually incarcerated. I have heard recent accounts of individuals—yes, they call me all the time—saying, *Hey, I came out of jail. I have a job. I’m providing a legitimate service to my community. I have reputable customers. They pay me good money.* But guess

what? Because of their cannabis conviction, the bank will not bank their money. So maybe that answers the question of another Senator earlier when he said that the drug dealers he knows are not going to have any money to get involved in this regulated cannabis industry.

Yes, they already have the money. It is because the bank won't bank it. It is sitting up in a safe, maybe in their grandmother's closet, which causes other issues of criminality in this country. Maybe by the time this Bill passes they still have that money and they have not been robbed. One can say, *Oh well, tough. Those are the consequences for breaking the law and we shouldn't move the goalpost to accommodate those who choose to break the law.* That view would be fine, Madam President, if, if, if, if, if, if that is where the story actually ended.

However, the justice system shows us glaring disparities and inequalities between Blacks and whites when it comes to criminal convictions connected to cannabis. Why is it that it seems that the police prey on the little guy and go after the most vulnerable when cleaning up the Back o' Town streets? Yet certain establishments in the front of town that are known by everybody to engage in more harmful and openly illicit activity, go unbothered?

Madam President, I am going to pull out my pom-poms now. I am proud to be a Member of the Progressive Labour Party, a party that is willing to challenge the status quo and those who are content to do nothing when it comes to the issue of, yes, Madam President, cannabis use in Bermuda. I am proud to be part of a party who are willing to be bold in looking at ways to reform issues while ensuring that we take a well-balanced approach to such reform.

Madam President, unlike some Senators that I have heard from today, it is no secret that cannabis use in Bermuda is vast. Anyone who enjoys an outdoor event often speaks of the one location in those grounds where cannabis use is prevalent. This is how connected I am to the community. I have even heard it referred to on numerous occasions as "Cannabis Corner." It is almost as if to say that cannabis use is accepted and tolerated as long as you stay in a particular section of the grounds.

Let me tell you another bizarre story, Madam President, if I may. I like to tell stories sometimes, but these are real life stories—culture. I walked into an establishment and, like I do sometimes, I asked for an adult beverage. The person in the establishment said to me, *Sorry, we do not serve alcohol while youth practice is taking place.* Check this one. The irony of that is that in order to get into the establishment I had to walk past a group of young men smoking cannabis in open sight. Isn't that something? The sale of alcohol was regulated, but the use of cannabis was not. Imagine that. And we talk about safeguards.

Madam President, the Bill that we have in front of us today is not a referendum on whether or

not you agree with the consumption of cannabis. What we have today, Madam President, is an opportunity to introduce a regulated cannabis regime which will put safeguards in place and reduce the rampant—yes, the rampant—illicit cannabis market that already exists in Bermuda. A regulated cannabis industry will bring clear structure and oversight to an illicit market that many will say has gotten way out of control, to extremely dangerous levels. Those are the safeguards that we should be worrying about.

Madam President, I consider myself to be fortunate. Many consider me a lot of things, but to my peers I am considered a social butterfly, or a people person. With that said, over the last couple of weeks I did something that many in this Chamber may not have done. I asked a few people inside and outside of my circles to share their views on the possible regulated cannabis industry in Bermuda. With your permission, Madam President, I would like to read some of those quotes from real people. Yes, the culture of Bermuda.

One person said this. "There were many benefits such as revenues and jobs that can be generated. I do not see too much of a difference it would have by creating a regulated cannabis market. I know many people who use CBD oils for pain and relaxation. It is time for us to come out of the Dark Ages and become more progressive." It is a real quote.

Another person in my circle said this. "I have become more open but I still think it is crazy that so many people in Bermuda consume cannabis. But I think regulating it would be a plus for Bermuda."

Another said: "In principle, I do believe that Bermuda needs a cannabis licensing Bill and there are multiple benefits to cannabis. I do have some questions. Yes, we all do. Is the revenue being directed somewhere in particular?" I will get to this later as to why they would ask this question.

But here is the most interesting one of all, Madam President. A cannabis consumer—he was self-proclaimed, said: "It is important to protect consumers from their employers and other members of society who wish to blackball individuals because they find out that they smoke cannabis. What a person does in their time of leisure should be protected."

Isn't that interesting? Here we have an individual who is willing to take a risk by consuming cannabis in an illegal market; yet, he is asking for protection against reputational risks through a regulated cannabis industry.

Madam President, each one of these individuals I chose to have a chat with, in the words of Lord Necktie, are not "diddly bops." The individual comments that I have included are those individuals in our society between the age of 40 and 60. They have university degrees. They hold well-respected careers. To me, this shows that there is a clear appetite for change, that these individuals have had their views

changed through education, travel, and other experiences.

Now I am going to get a little personal here, Madam President, if I may. I would like to take some time examining other jurisdictions that have engaged in this debate long before Bermuda. In 1976, some two years after Bermuda's Misuse of Drugs Act and some 45 years ago, Amsterdam became one of few regulated cannabis jurisdictions in the world with the introduction of their famous "coffee shops." The State of California initially went in the direction of medical cannabis in 1996 before they moved to a regulated recreation cannabis industry in 2016. Colorado, which we have heard more about today, passed a state-wide drug policy for cannabis in 2012, which then led to state licensed retail sales in January 2014. The Nevada regulated cannabis laws went into effect in 2017. There are currently 36 states, Madam President, which have some form of regulated cannabis laws in place.

Then we have Canada who passed a Cannabis Act in 2018. It is important to point out that our Cannabis Licensing Act uses the Canadian model which in two and a half years has been considered a great success (in the research I read).

Why is Bermuda, as we are in so many other aspects, so late to the party? There is no shortage of Bermudians or people in general who choose destinations, like the ones that I have mentioned earlier, as a means of cannabis tourism, some depositing hefty amounts of money into other economies while on vacation. While the only ones benefiting in Bermuda are individuals engaged in an illegal market.

Madam President, I have heard many speak out of fear. I will probably put her on the spot, but I had this conversation with my mom last night. And she admitted, she said, *I don't know*. But the fear is that Bermuda will have people running around recklessly smoking cannabis on every street corner, at every beach, and at every park. From the accounts of some of these other jurisdictions, which I mentioned, quite the opposite has happened.

Story time again. I have a good friend, Madam President, who lives in Littleton, Colorado, a small family town just outside of Denver. He happens to be the godfather of my two children. He is a well-respected educator, an author who is married, has two beautiful children, attends mass every weekend. And I will say this, he is a half-way decent golfer. He coaches high school football. He watches professional sports with a beer during his free time. I am sure you get the picture. You probably all have friends like this. I asked my friend once back in 2014, when they were having their debate on regulated cannabis, *What is your stance on the issue? How do you plan to vote on the issue of cannabis?*

His answer was actually very enlightening, and I will never forget it. He said, *I am going to vote yes, because the revenue from the cannabis industry*

would be huge! And they were promised that it would be used to fund the building of schools.

I then asked, *Well, how do you feel about your two young children and cannabis being more readily available to them as they get older?*

His answer was straightforward. He said it was his responsibility as a parent—as a parent—to educate his children effectively on all of the possible dangers of society. In his view that conversation will be no different than the ones that everybody should be having every day, every night at the dinner table about alcohol and tobacco. I revisited this conversation with him yesterday, some six years later. And he said that if he had to do it all over again, he would make the exact same decision.

Colorado has so many jobs that have been provided through the regulated recreational cannabis industry. I spent some time in Colorado. During one of my visits in Colorado in 2017, we went to a baseball game in downtown Denver. While sitting on a rooftop restaurant, which is popular in Colorado, it struck me that I had been in Colorado for three whole days and I had not seen, nor had I smelled, cannabis. So I brought up the conversation and I said, *Where do all the cannabis users hang out?* (Because obviously where I come from there is "Cannabis Corner.")

He looked at me, he smiled, and he said, *My friend, they are sitting all around us.*

I said, *Well, what do you mean? I don't see any smoke. I don't smell any cannabis.*

He said, *It's because it is regulated. People respect it. They respect others. And they have found inconspicuous ways to consume cannabis without anyone knowing, without breaking the law, and without having to hide or be ashamed.*

He said, *You will be hard pressed to find anyone walking around smoking a pre-rolled cannabis cigarette in public.*

Fascinating. Because I am from a place where there is a prohibition on cannabis, and it is open in public. As my curiosity was now piqued, Madam President. I asked if he had ever been to a cannabis dispensary. He had not. And I had not. So, I said, *Well, let's check it out. Do they let people just go and check it out?*

When we arrived at the location it looked like a doctor's office. We went inside to a waiting area and someone came out, took our IDs, and went to process them. They came back a few moments later at which time a separate door opened. We walked into what can only be described as a jewellery store, almost, with different cases. Like, you know, a jewellery store has glass cases of diamonds. Well, it was cannabis items in these glass cases. While we did not purchase anything at the cannabis dispensary, the sales clerk was more than happy to explain the different items, how they were available, along with a menu, a consumption chart, and throughout it all talked about safeguards. I tell you. You could not leave the place

without seeing warning pamphlets, I guess that is the best way I can describe them. Each item was clearly marked with huge letters on them. THC on the packaging. And the level of professionalism was second to none.

I will also note that I saw, as I was looking at our Bill and how they have it set up in Colorado, the stores in Colorado cannot be open past 7:00 pm. And the amount that you can purchase is limited. I have heard similar stories of individuals who have recently visited Las Vegas and most recently, Toronto, Canada.

Madam President, I tell that story to say that the details and provisions that the Cannabis Licensing Act 2021 contains is something that I know Bermuda can benefit from just like Colorado, Nevada and Canada. Why should events be disrupted by unregulated but tolerated illicit Cannabis Corner? Why should the legal and extremely dangerous illicit market continue to flourish while people turn a blind eye?

Madam President, I mentioned earlier that I was proud to be part of a bold and progressive party in the Progressive Labour Party. And I have colleagues who sit in another place who so eloquently delivered and supported the Cannabis Licensing Bill about two weeks ago. However, Madam President, what I cannot figure out is why it is that the One Bermuda Alliance continues to be silent on the issue of regulated cannabis industry in Bermuda for so long. Why have they failed to engage with the public on this issue?

I mean, they said to us earlier that there hasn't been proper consultation. Are they against cannabis reform? Or are they sitting back licking their chops waiting to get in on the action? And yes, Madam President, when I say "action," I mean the money. I have heard them talk about pom-poms before. It is kind of cute, actually. Where are their pom-poms on this issue that has negatively affected so many Bermudians who look like me? I just do not get it!

Some will gladly say and publicly support a former US President of questionable character, but will not publicly encourage their party leader to take a progressive stance on the regulated cannabis reform which has singlehandedly liberated a huge percentage of the Bermudian public. But I guess I should not be surprised because the One Bermuda Alliance has a history of being all over the place with different issues with a whole lot of lip service but doing absolutely nothing.

Madam President, we have the opportunity, and I will say it again, to be bold here today in these Chambers. We have an opportunity to reduce the presence of dangerously laced cannabis in the illegal market. We have the opportunity, Madam President, for my son and my daughter to live in a safer community. We have the opportunity, Madam President, to increase revenues for the Government. Madam President, we have the opportunity to create a host of

much-needed jobs for Bermudians, following this horrible pandemic, from growers to retailers to transportation specialists, researchers.

We have the opportunity to grow this market for those negatively impacted by previous cannabis convictions. Madam President, we have an opportunity to further educate the community. We have an opportunity to follow the example of Canada. We have the opportunity to provide a greater good for the greatest number, by being bold and passing the Cannabis Licensing Act 2021 and introducing a long, overdue regulated cannabis industry in Bermuda.

Thank you, Madam President.

[Desk thumping]

The President: Thank you, very much, for your comments, Mr. Owen Darrell.

So this just leaves me to make my own comments. Minister Peets spoke about his own history. I just need to let you know a little bit about my own in terms of my previous experience.

I qualified as a nurse and I delivered babies for a number of years. I came back to Bermuda and I worked here in Bermuda in the general health, and then I went into the psychiatric health. I am a counsellor by profession, Masters prepared psychologist and I have worked in the field of addictions for many years. I know most of the people who are working in the field at the moment. In fact, I have helped people to attain their professional qualifications. So I have been aware and around this whole area of addictions for many years.

In delivering babies I have seen the results of mothers who have had babies and have been using either marijuana or stronger drugs. And I have seen that impact on babies—low birth weight, issues around their breathing, their lung capacity. I have also seen young people when MWI [Mid-Atlantic Wellness Institute] was in St. Brendan's [Hospital], working with psychologists who had to deal with young 11-, 12-, 13-, 14-year-old young Bermudian boys who were presenting with psychotic-like behaviours. And I had a lot of discussion with them about the impact of these young people. What is it that triggers it? Is it their psychosis because of hereditary factors? Or is it the marijuana or drugs? And most of them admit it, and I am talking years ago about the impact of our young adolescents.

So Child and Adolescent Services was set up to help deal with some of these issues. And we made sure that some of the counsellors were qualified and had the experience, they were sent overseas to work with this population. And I worked with them. So when I am sitting here listening to a lot of this conversation, I know all about the drug field. I have been out of it for quite a number of years, but I know most of the people who are working in it today.

And I can tell you that I also look at the birth rate. Look at Bermuda's birth rate. If we have 500, 600 babies born a year, that is about it. I have read all the BirDEN reports. I have talked to all the counsellors. And I can tell you that even approaching coming today to have a debate on this particular topic, the doctors tell me they have not been informed. They were not consulted. The counsellors are telling me they have not been involved in the decisions that had been made about this. And so . . . I am surprised. I am taken aback because I have been told that there was broad consultation.

And so, you know, I have also read a lot. I have read about the Canadian situation. I have read about the Colorado situation. I have read about all the incidents that have occurred in Colorado. I have read the Rutgers reports. So I have done a lot of research with respect to the impact of the introduction of recreational marijuana.

Some of you have spoken about the impact on school children. And we also know that, of course, it has been said several times, that the young person's brain does not develop until they are 24, 25. And so therefore if they are using a mind-altering drug between their adolescent period and 24 years old, you know there is going to be some impact. I have family members, I know people who have been exposed to it, and who have had their careers thwarted as a result of making the wrong decisions.

So, you know, I have heard everything that has been said today about young people and how positive . . . whether this Government is seeing this as another pillar of the community, because someone asked me, *Is this another pillar of Bermuda's community? Is this what this is seen as?* Other people have called and said, *You know, Mrs. Dillas-Wright, our budgets were cut. I can't have the counsellors. I can't have the amount . . .* And I am not just talking about during COVID-19. I am talking about before that; they do not have the funding that they needed to really run the service.

So I am saying to you here today that, yes, I have looked at that. I have some concerns too about the fact that while marijuana is freely available in the States, it is still a federal offence. So people will still get charged with federally having possession.

So when I look at this, I know that, yes, the Government would like to implement this Bill and have indicated what it can do for the Island, but I also ask myself, *At what cost?* And for me, this young population that we have where we have a birth rate that is declining and young people not having opportunities, and our education system . . . we have heard how people speak about, you know, the reports that have been . . . the surveys that have been reported. Fine for the people who are adults who want to make the decision, but they should not be making decisions for the children. And sometimes the children are exposed. You know, it is *Don't do what I say, or do what*

I do. Or whatever it is. You know, you are trying to teach, but you have to be very, very firm in your convictions when you are bringing up children in this environment.

Bermuda is a very small place. It is a very small place. A lot of people know one another, and they know . . . and I have a number of people who are not related to me who call me "Aunt or Auntie" and they tell me what goes on in their homes. And sometimes if it is a female-headed home—it is not that I am decrying female headed homes—but it is important for our young people to have both male and female people who are guiding them and telling them what they should or should not be doing.

So I have spent a lot of time reading up on all the surveys. I have talked to people in the Caribbean, in Jamaica. I have talked to friends who are in the health profession as well as the counselling profession in Trinidad, all through the Caribbean. I have another family member, a brother, who lives in St. Kitts and Nevis, so all over the Caribbean, as well as Australia, and England. So I think a lot of Bermudians are connected internationally. And so we try to find out what is going on in other jurisdictions. So I have thought very carefully about this Bill, and I have read about it. But I have a major concern about our young people—our children.

So I will say to you that while I appreciate what the Government would like this Bill to do, the Cannabis Licensing Act 2021 is about creating, I think, another pillar of the economy of this Island. And while saying nothing about the possible deleterious impact on the society in creating other social problems, and until the Bill speaks to its positive effect on crime, mental health and social alienation, I cannot at this point support this proposed Cannabis Licensing Act 2021.

And those are my comments. Thank you.

Sen. the Hon. Dr. Ernest Peets: Madam President.

The President: Yes, Mr. Peets.

Sen. the Hon. Dr. Ernest Peets: I was wondering if I could share a few words.

The President: Yes, indeed.

Sen. the Hon. Dr. Ernest Peets: I am trying to keep my words brief.

The irony of me sitting here today regarding this conversation is just really surreal. I would share with all who are listening that I am not speaking for all the addiction counsellors. I am not speaking for all pastors. But given what I have heard today, I have tried to jot a few notes. And I certainly thank this Honourable Chamber for a little bit of liberty regarding points of order. Most of the Senators here are relatively new. You know, we are not necessarily experts in

any particular field, and we are still getting used to the protocols and the procedures within the Senate. Having said that, I am certainly thankful for the little bit of latitude that has been given today. I noticed a number of points of interest I could have spoken to, but in the interest of allowing the conversation to flow and giving people an opportunity to really communicate is more important to me that trying to hammer down a point of order.

Having said that, the most obvious thing to me would be is all the Senators here today are here because we were appointed. It is, however, our duly elected Members of Parliament, they are elected to represent the ideas as well as the wishes of those who elect them.

I have heard today that somehow this is the commercialisation of cannabis and that there is money being put first. The truth of the matter is I have not met a single drug dealer who doesn't deal drugs simply for the money. They are not concerned about the health or the welfare of the individuals they are selling drugs to. They do not even care about what the product is doing to their customers.

Over the years I have spent, I cannot begin to tell you, how many times since the beginning over the last 20 years I have had opportunities to go look for clients inside of crack houses. I, unfortunately, had the opportunities to work with persons in recovery and their family members to go and pay off drug debts. You know, when you go pay off a drug debt, they do not give you receipt. When you go buy drugs, they do not give you a guarantee of quality. What happens to you after that is of no concern to them. You are simply a dollar. So to sit here and sometimes, you know, listen to *Oh, we are trying to commercialise cannabis*. I just cannot fathom that because right now the illegal drug market is cashing in, unfortunately, on individuals and taking advantage of them in ways that we need to do something about.

There is also a lot of fear out there in the community. I heard some of it today. And to be quite honest, I would imagine all of us have a little bit of fear, simply because no one can actually see the future. One of the Senators wanted to know whether or not there was hard data to prove something. And I am like, *Well, the data doesn't exist*. The truth of the matter is we do not have a crystal ball, but to be honest, I really do not need a crystal ball. I know what this illicit drug market is doing today. I know what it has done in the past. To do nothing about it and to allow the existing situation to persist is irresponsible. Certainly doing something about it, particularly as it relates to this Bill, is more than reasonable. So I really do not know how doing nothing and leaving the status quo is actually safer than engaging in a regulatory regime.

There is also this idea, unfortunately, because it is not true. Education . . . everything we do about prevention and everything we are doing about abstinence; those three things remain. This Bill does not

erase our responsibility about educating people about the ill effects of drugs. It does not take away from our responsibility to engage in all of the prevention ideas and activities that we are known to do all this time. It does not take away from that. It does not do anything about the message about abstinence when you are in treatment. Actually, in my opinion—this is my humble opinion, of course—this particular Bill actually gives more resources, more attention and adds to the equation of all the other things that I have just mentioned to actually help us to do those jobs that we are dedicated to do.

I did sort of put together a bunch of notes. They are all over the place, so I do apologise and I will try to sort of bring it all together. I do not really know based on what I have heard today if anyone is still on the fence. And if anyone is still on the fence, I certainly want to do my level best to try to encourage that individual to see the merits of this Bill and to see that doing nothing and allowing us to go back to an illicit drug market and allow it to continue is something that is not really in our best interest.

One of the things I certainly want to bring to our attention is that the war on drugs is not working. We need to have more than a *Just say no* approach as it relates to our strategy. The safety of our children, the safety of our people, especially our young people, is at the heart of this Bill. There is no safety, no concern about drug dealers right now out there in the community. They will sell to anyone who has money. And they do not care about where their product ends. That is the reason why Government is stepping in and doing something in this regard.

It is far better than leaving it the way that it is. You know, if you just walk up and down any street or any given day, you see alcohol everywhere. I have spent a few hours when I can at some of our AA [Alcoholics Anonymous] meetings and particularly some of our NA [Narcotics Anonymous] meetings in the community. I do apologise for the self-disclosure there. But if you ever sit through a NA meeting, it is said at every meeting, *Alcohol is a drug*. But I cannot turn on the television without seeing an alcohol commercial. I cannot go to the grocery store without seeing alcohol. Alcohol is toxic to the body. It is literally poison.

What alcohol enjoys right now is popularity. It is considered to be sexy. It is considered to be in vogue. It is a part of how we socialise and so on and so forth. The unfortunate part about cannabis, given its history, is how Big Pharma, for example, in the early 1900s did everything they possibly could to demonise and weaponise cannabis. They were also the ones who actually coined the phrase “marijuana” as a way of attacking Mexican Americans and the like.

So what is true today, in my opinion, is that persons in our community continue to smoke cannabis. Regulating cannabis is better than doing nothing.

So there are some truths that probably would need to be reiterated, and I will try to do that and wrap up.

This Bill would not legalise cannabis. This is a cannabis licensing Bill. This Bill is not going to permit people to smoke cannabis anywhere they want, whenever they want. There are certain offences under the Misuse of Drugs Act, like supply and possession of cannabis above 7 grams without a licence, [which] still remain punishable under law.

Our driving while under the influence of drugs is still punishable by law. And to the question on whether or not we can test sobriety at checkpoints for cannabis, we can do that. Actually, if anyone is in a sobriety checkpoint, if the person is suspected to be under the influence, that word “suspected” means the person who is responsible for enforcing law does not know what the person is under the influence of. It could be prescription drugs. It could be alcohol. It could be something else. We certainly do not know. And you can refuse to give a breath test. But it does not stop the law official from exercising his or her duties to protect the safety of the public if they surmise that the individual is driving under the influence. That would also be true, and it is still true, and is currently true if you are driving under the influence of cannabis.

I practice, of course, abstinence, for personal reasons. There is no need to go into that. So I am neither pro alcohol nor pro cannabis. But I do support the efforts regarding prevention and treatment, Madam President. And like you, of course, I would not be where I am today if it were not for your efforts. You have mentored individuals who have also mentored me, and I in the past year have helped at least three other individuals receive, or at least be in a position to receive their certification as addiction counsellors. And that work for me certainly continues.

So, Madam President, I am certainly encouraging this honourable Senate to support this Bill, because in my opinion it actually gives us the best opportunity to offer protection and regulation in an environment where our friends and family and neighbours choose to engage in cannabis illegally. And to do so without proper regulation and public health guards is something that I think is untenable. So I am encouraging this honourable Senate, particularly as we are thinking about how we are going to vote on this Bill that has been supported by the voting public as it relates to the public consultation . . . oh, and by the way. I did attend the last BerDIN conference. I try to do that every year. I know there has been much said about the consultation.

There was a well-known paediatrician doctor at the BerDIN. And if you are willing for me to share that person’s information and what they shared, I certainly can do so offline. So consultation has happened. So I am not really sure where people are getting the information about they have not been contacted. Across the board in addiction, across the board with medical professions, as I mentioned at the

BerDIN the doctor was there. We also had representatives from the Ministry of Education. Of course, has the Government talked to every single Bermudian? No. That is almost impossible. But not every single Bermudian is even interested in answering the call to join the conversation to begin with. There are individuals out there who need our assistance. And at some point, we are going to have to do something. Allowing them to continually go through the criminal justice system is a very expensive way and an unnecessary way for people to find help as it relates to some of these things.

So, Madam President, in closing, we are civilised. We are about law and order, and bringing order and regulation is a reasonable and responsible thing for us to do. Thank you, Madam President.

[Desk thumping]

The President: Thank you, Senator Peets.

[Crosstalk]

The President: Minister Peets, you would do the second reading. You have your papers before you.

Sen. the Hon. Dr. Ernest Peets: Thank you, Madam President.

Madam President, I move that this Bill entitled the Cannabis Licensing Act 2021 . . . that [Standing Order] 26 be suspended.

The President: Move the second reading first. Sorry.

Sen. the Hon. Dr. Ernest Peets: Sorry.
I move for a second reading.

The President: Is there any objection to that motion?
No objection.
Carry on.

Sen. the Hon. Dr. Ernest Peets: Thank you, Madam President. It has been a long day.

The President: Mm-hmm.

Sen. the Hon. Dr. Ernest Peets: And I think all of us are interested—

The President: And you have been doing a lot of the talking. Carry on.

Sen. the Hon. Dr. Ernest Peets: —in getting on with it.

Madam President, I move that this Bill entitled the Cannabis Licensing Act 2021, be now read a third time.

The President: No, you need to—

Sen. the Hon. Dr. Ernest Peets: Pardon me?

The President: —suspend. . . .Yes, you have to move it. I'm sorry.

Sen. the Hon. Dr. Ernest Peets: Thank you. Some of it is nerves, you know.

[Laughter]

SUSPENSION OF STANDING ORDER 26

Sen. the Hon. Dr. Ernest Peets: Madam President, I move that [Standing Order] 26 be suspended at this time.

The President: Is there any objection to that motion?
No objection.
Carry on.

[Motion carried: Standing Order 26 suspended.]

BILL

THIRD READING

CANNABIS LICENSING ACT 2021

Sen. the Hon. Dr. Ernest Peets: Thank you, Madam President.

Madam President, I move that this Bill entitled the Cannabis Licensing Act 2021 be now read a third time.

The President: Is there any objection to the third reading?
No objection?

Sen. the Hon. Dr. Ernest Peets: Madam President, I move that this Bill do now pass.

The President: Is there any objection to the passage of the Bill?

An Hon. Senator: I object.

The President: We have three, so we will have a division. You can call the names.

[Crosstalk]

The President: Senators, we will now have the division.

The Clerk: This is on the pass motion for the Bill. Okay.

DIVISION

[Cannabis Licensing Act 2021, Third Reading]

Ayes: 5

Sen. Hon. Dr. Ernest Peets
Sen. Owen Darrell
Sen. Arianna Hodgson
Sen. Curtis Richardson
Sen. Lindsay K. Simmons

Nays: 6

Sen. Ben Smith
Sen. Robin Tucker
Sen. Marcus Jones
Sen. John Wight
Sen. Michelle Simmons
Sen. Hon. J. E. Dillas-Wright

The Clerk: Madam President, here is the total.

The President: Senators, the division is—

[Inaudible interjection]

The President: —five ayes and six nays. The Bill has been defeated. Thank you, Senators.

[Motion defeated: The Cannabis Licensing Act 2021 failed by majority on division.]

The President: We will move on with our agenda, item 14 [on the Order Paper.]

MOTIONS

The President: There are none.

CONGRATULATORY AND/OR OBITUARY SPEECHES

The President: Does any Senator want to speak on these topics?
No? Hearing none, then item 16, Adjournment, Minister Peets.

ADJOURNMENT

Sen. the Hon. Dr. Ernest Peets: Thank you, Madam President.

Given the fact that we do have budget currently going on, I move, based on the schedule that I believe to be correct, that we adjourn until March . . . let me just bring up the calendar. The 24th is a Wednesday. The 24th of March.

The President: That will be the next meeting.

Senators, we have been told the next meeting will be March the 24th.

Would any Senator care to speak on the motion to adjourn? Hearing none, Senators, the Senate stands adjourned until March 24th. Thank you, Senators for the—

[At 4:21 pm, the Senate stood adjourned until 10:00 am, Wednesday, 24 March 2021.]