

**2020 DRUGS (PREVENTION OF MISUSE) ACT
(AMENDMENT)**

COMMONWEALTH OF DOMINICA

ACT NO. OF 2020.

BILL

FOR

**AN ACT FOR THE AMENDMENT OF THE DRUGS
(PREVENTION OF MISUSE) ACT, CHAPTER
40:07.**

BE ENACTED by the Parliament of the Commonwealth of
Dominica as follows:

(Gazetted , 2020.)

1. This Act shall be cited as the –

Short title.

**DRUGS (PREVENTION OF MISUSE)
(AMENDMENT) ACT 2020.**

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Interpretation.
Chap. 40:07.

2. In this Act the Drugs (Prevention of Misuse) Act is referred to as “the Act”.

Amendment of section 7
of the Act.

3. Section 7 of the Act is amended in subsection (4) by deleting the word “fifteen” and substituting the words “twenty-eight”.

Insertion of new sections
7A and 7B.

4. The Act is amended by inserting the following new sections 7A and 7B immediately after section 7:

“Restriction on
possession of
cannabis.

7A. (1) It shall not be lawful for a person to have more than twenty-eight grammes of cannabis or cannabis resin in his possession.

(2) A person who has twenty-eight grammes or less of cannabis or cannabis resin in his possession is not guilty of an offence under section 7(2).

(3) Any conviction before the relevant date for an offence involving the possession of twenty-eight grammes or less of cannabis or cannabis resin shall be treated as a spent conviction.

(4) The Minister may by Order prescribe the relevant date for the purposes of subsection (3).

Smoking in a
public place.

7B. (1) It shall not be lawful for a person to smoke or use cannabis or cannabis resin in a public place.

(2) It is an offence for a person to smoke or use cannabis or cannabis resin in a public place in contravention of subsection (1).

(3) A person who commits an offence under subsection (2) is liable on summary conviction to a fine of one thousand, five hundred dollars.

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(4) A conviction for an offence under this section shall not form part of the criminal record of the convicted person.

(5) In this section “public place” -

(a) includes any structure, building, public transport or facility, that the public, or a section of the public, is entitled to use or that is open to, or is being used by, the public or a section of the public (whether on payment of money, by virtue of membership of a club or other body, or otherwise), road or path in the immediate vicinity of such buildings;

(b) does not include a privately-occupied residence not used for commercial purposes, or a usual place of worship of members of the Rastafarian faith or other faith.

(6) In this section “smoking” includes vaping or like means of consuming cannabis.”.

5. Section 8 of the Act is amended by -

Amendment of section 8
of the Act.

(a) deleting subsection (1) and substituting the following:

“(1) Subject to any Regulations made under section 9, it shall not be lawful for a person to cultivate any plant of the genus *Cannabis*, except as provided in subsection (1A).”;

(b) inserting the following new subsection (1A) after subsection (1).

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“(1A) It is lawful for a person to cultivate not more than three plants of the genus Cannabis at his place of residence.”.

Passed in the House of Assembly this day of 2020.

Clerk of the House of Assembly

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OBJECTS AND REASONS

The objects and reason of this Bill are set out in the long title.

Levi Peter
Attorney General

Attorney General's Chambers
Financial Centre
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COMMONWEALTH OF DOMINICA