

ANTIGUA AND BARBUDA



MISUSE OF DRUGS (AMENDMENT) BILL, 2024

No. of 2024

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AN ACT to amend the Misuse of Drugs Act, Cap. 283 to provide for an increase in the penalty for the possession of cannabis and to remove the provision that regulates the issuing of violation tickets.

ENACTED by the Parliament of Antigua and Barbuda as follows:

1. Short title

This Act may be cited as the Misuse of Drugs (Amendment) Act, 2024.

2. Interpretation

In this Act, “principal Act” means the Misuse of Drugs Act, Cap. 283.

3. Amendment of Section 2 -Interpretation

Section 2 of the principal Act is amended by repealing the definition of “violation ticket” in its entirety.

4. Amendment of Section 6B - Restriction on possession

Section 6B of the principal Act is amended by repealing the section in its entirety and replacing it as follows –

“6B. Restriction on possession

(1) Notwithstanding section 6A, a person who –

- (a) smokes any part of the plant genus Cannabis in a public place; or
- (b) being the owner, occupier or concerned with the management of premises that falls within the definition of public place knowingly permits another to sell, supply or smoke Cannabis or Cannabis resin

commits an offence and is liable on summary conviction to a fine not exceeding two thousand (\$2,000.) dollars.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Misuse of Drugs Act, Cap 283, to address the growing concerns surrounding the increase in crime. By increasing the penalties for possession and removing the option of violation tickets, the Government intends to reinforce the seriousness of drug-related offences and reduce the accessibility and appeal of cannabis, particularly to the youth. These measures are part of a broader strategy to combat crime and restore public safety. This Bill seeks to better align with current social realities and to enhance the deterrent effect of the law in preventing drug-related crimes, particularly among the youth.

Clause 1: This clause provides the short title of the Bill, citing it as the Misuse of Drugs (Amendment) Act, 2024.

Clause 2: This clause defines the term “principal Act” to mean the Misuse of Drugs Act, Cap 283, which is the Act being amended.

Clause 3: This clause amends Section 2 of the principal Act by repealing the definition of “violation ticket.” The removal of this definition is a necessary consequence of the repeal of Section 13A (addressed in Clause 5), which previously regulated violation tickets.

Clause 4: This clause amends Section 6B of the principal Act, which pertains to the restrictions on possession of cannabis. The existing provision allowed for relatively lenient penalties that may no longer serve as a sufficient deterrent given the current context of increased youth-related crimes. The amendment increases the penalty to a fine not exceeding two thousand dollars.

Clause 5: This clause repeals Section 13A of the principal Act, which provided for the issuance of violation tickets for certain drug-related offences. The repeal of this section is intended to strengthen the enforcement of penalties for drug offences by eliminating the option of violation tickets, which may have been perceived as a lenient measure.

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Hon. Sir Steadroy C.O. Benjamin KGCN
Attorney General and
Minister with responsibility for Justice, Legal Affairs,
Labour and National Security