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**Update on the Implementation of the Dangerous Drugs Amendment Act (2015) Jamaica**



**PRESENTATION TO THE 60<sup>TH</sup> REGULAR  
SESSION OF THE INTERAMERICAN DRUG  
ABUSE CONTROL COMMISSION**

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**Update on the Implementation of the Dangerous Drugs Amendment  
Act (2015) Jamaica**

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## Background

In April 2015 the Jamaican Government passed into law the Dangerous Drugs (Amendment) Act 2015,

**The Amendment was far reaching in its scope and created a new legal and social landscape in the enforcement against illicit drugs.**

# **Decriminalization**

**The new law decriminalized the possession of two ounces (or less) of cannabis, legalized the home cultivation of cannabis for religious, medicinal or recreational use. This was of great historical significance as the use and possession of cannabis have been illegal for over a hundred years.**

# *Purpose of the New Amendment*

The amendments to the Dangerous Drugs Act served three purposes :

- 1. To modify the penalties for possession of ganja in the specified small quantities (2 ounces).**
- 2. To introduce a new approach to treating with cannabis (ganja) i.e. to legitimize the sale of ganja under a strict regulatory framework. This resulted in the creation of a licensing authority to issue licenses for the cultivation and sale of ganja for medicinal, therapeutic or scientific purposes.**

# *Purpose of the New Amendment (cont.)*

**3. The creation of an exemption for the legitimate use of cannabis (ganja) for religious purposes for the Rastafari religion.**





## **The amendment had the following effects:**

- 1.** It changed the definition of ganja (cannabis) to exclude hemp and medicinal preparations made from the plant. These exemptions would provide legitimacy of use.
  
- 2.** The new amendment provides an exemption from criminal liability for special classes of persons.

Effects (cont.)

Those who are in possession for the following reasons;

*a) They have a terminal illness and have been issued a prescription by a registered medical practitioner.*

*b) They use therapeutic or medicinal products which are derived from, contains or comprises ganja.*

### 3. Property Use:

*The amendment extended to the use of property as well. Owners who have ganja on their property are exempt from prosecution if they fall in the following categories;*

### 3. Property Use (cont.):

a) *Adherents of the Rastafarian faith.*

b) *Therapeutic purposes prescribed by a registered medical practitioner, or other health practitioner or class of practitioners who have been approved by the Minister of Health.*



# A Very Important Change

One of the most significant change that the amendment has brought about was the decimalization of several provisions under the Act: These are the:

- a) *The possession of less than 2 ounces of ganja.*
- b) *Smoking Ganja.*

# *The Result of Decriminalization*

*Decriminalization of these two offences means that persons no longer obtain a criminal record as a result of being charged with possession of less than two (2) ounces of ganja and smoking ganja.*

*These two offences are no longer arrestable offences. The change in law is significant because for years many thousands of young males obtained criminal records, which affected them very negatively later on in life.*

# The New Charging Regime

*When a person is found in a public place with less than 2 ounces of ganja or smoking ganja, the police is now authorized to issue that person a ticket (similar to that issued for driving offences).*

## The New Regime (cont.)

*The ticket is payable at the office of the Collector of Taxes, and the fine is a very small one. Where the person fails to pay the ticket, he or she is required to attend the Petty Sessions Court where the person is charged a fine or required to between 40 – 360 hours of community service.*



## Result of the Decimalization on Criminal Records Obtained for Smoking Ganja and Possession (less than 2 ounces).

*Since the amendment over 2000 persons have had their criminal records expunged or made clean. These individuals were charged with smoking ganja and possession of ganja less than 2 ounces.*

# Other Significant Changes.

*The Establishment of the Cannabis  
Licensing Authority*

*The Amendment created the **Cannabis Licensing Authority (CLA)**. The CLA is empowered by the Minister of Justice to make regulations for the issue and regulation of licenses, permits and authorizations for the handling of (a) hemp and (b) ganja for medical, therapeutic or scientific purposes.*

# *Regulations*

*Regulations were passed into law in May 2016. The regulations were developed based on recommendations made by **BOTEC Analysis Corporation in September 2015**. They made a total of 53 recommendations. To date a number licenses have been issued, however the Cannabis Licensing Authority is struggling to establish itself as a consequence of lack of funding.*



# *Highlights of the BOTE Recommendations*

- a)** Develop a list of license definition that are clear and concise,
- b)** Allow for tiered cultivator licenses for small and large facilities, each with different license requirements and rules.
- c)** Create a “teahouse” license required to source from traditional cannabis farmers.
- d)** Employ metrics, risk assessment and routine and unannounced investigations to control supply of cannabis.
- e)** Establish clear set of supply control rules that are reasonable and deter diversion to black market.

## *Highlights (cont.)*

- f)** Conduct background checks and financial investigation for licensees at every stage of the supply chain.
- g)** Require licensees to destroy unused or unwanted stock through a verifiable.
- h)** Continue working international partners.

## Highlights (cont.)

i) *Establish much tougher penalties for drivers using alcohol and cannabis in combination than for those using cannabis or alcohol alone.*

j) *Increase funding for Drug Treatment Courts, but limit their use to individuals who have committed non-drug related offenses and suffer from substance use disorder.*

***(Steven Davenport and Bryce Pardo, (2015) A Regulated Cannabis Industry for Jamaica, BOTEC Analysis Corporation).***

# The National Council on Drug Abuse

*The National Council On Drug Abuse ( An Agency of the Ministry Of Health) plays an in valuable role in treating with the issue of substance abuse in Jamaica. Their mission is to :*

***“provide quality, reliable information, to policy makers, international partners and the general public, about substance use and abuse in Jamaica- its nature, the extent, prevention, treatment, control and underlying problems that negatively impact on nation  
"strengthening protective factors against substance abuse, in collaboration with diverse local and international organizations, through the implementation of treatment and prevention programmes.”***



# The Role of the NCDA Under the New Regime

The NCDA is tasked with informing the nation on the facts of Ganja, especially in light of the 2015 Amendment of the Dangerous Drugs Act.

***“The NCDA has been charged with the role of treatment for young persons found in possession of 2oz or less and adults who appear to be depended. In addition to this treatment role, the agency was given the responsibility to co-ordinate the multi-sector (general public with emphasis on youth, farmers, tourists and security forces) public education response.”*** (Status Report For Ganja Subcommittee, National Council On Drug Abuse, May 2016)

# Public Education Campaign

As a consequence of the Amendment the NCDA developed a public education campaign under the slogan

***“Ganja: Know the Facts: Know How to Act”.***

# The Aims of the Ganja: Know the Facts Campaign

*The aims of the campaign are to promote understanding and awareness about the potential harmful effects of ganja and dependency on the drug, as well as promoting a Call to Action. This Call to Action encourages individuals to investigate all the fact in order to act responsibly. The campaign is to last for three years.*

*The target audiences are, young people, parents, the general public, householders, Rastafarians, Tourists and Tourism interests, the media, the research industry and famers. (<http://ncda.org.jm/index.php/publications/drug-talk/169-ganja-know-the-facts>)*

# Conclusion

*In May 2016 the National Council on Drug Abuse produced a Status Report for the Ganja Sub-Committee of Parliament.*

*A proposal was presented to the Sub-Committee which outlined inter alia that the cost for the comprehensive public education campaign was approximately 2.5 Million USD. The NCDA acknowledged the support of the OAS which provided funding in the sum of approximately 90 Thousand USD to conduct the National Household Survey which was conducted earlier in 2016. Unfortunately, to date the NCDA has only able to realize 20% of their comprehensive campaign due to lack of funding. Thus, they have not been able to implement any of the planned interventions according to schedule. (Status Report For Ganja Subcommittee, National Council On Drug Abuse, May 2016)*

Thank  
You