

FACT SHEET
PREPARED BY THE MINISTRY OF JUSTICE ON THE
DANGEROUS DRUGS (AMENDMENT) ACT 2015

OVERVIEW

1. This Fact Sheet will set out the main changes that have been made to the Dangerous Drugs Act (the “DDA”).
2. Recent amendments to the DDA made by the Dangerous Drugs (Amendment) Act 2015 will introduce several important changes to the way the DDA will operate in relation to ganja.
3. When the Dangerous Drugs (Amendment) Act 2015 comes into effect, new provisions will be in place regarding the possession and smoking of ganja, use of ganja by persons of the Rastafarian faith, and use of ganja for medical, therapeutic and scientific purposes.
4. As at the date of this Fact Sheet (March 24, 2015) the Dangerous Drugs (Amendment) Act 2015 is not yet in effect. It will come into operation once the Minister of Justice issues a notice to bring it into operation, and the notice is published in the *Gazette*. However, before the Minister can issue this notice, the Act will first have to be assented to (i.e. signed) by the Governor General, and notice of the Governor General’s assent will be published in the *Gazette*. Different aspects of the Act may be brought into effect by the Minister at different times.
5. Some aspects of the new law will not be operational until regulations, which are being developed, are put in place.

Possession of Ganja

6. Possession of 2 ounces or less of ganja is no longer an offence for which one can be arrested, charged and have to go to court, and it will not result in a criminal record.
7. However, the police may issue a ticket to a person in possession of 2 ounces or less of ganja¹, similar to a traffic ticket, and the person has 30 days to pay the sum of J\$500 at any Tax Office.
8. A person who is found in possession of 2 ounces or less and who is under the age of 18 years, or who is 18 years or older and appears to the police to be dependent on ganja, will also be referred to the National Council on Drug Abuse for counselling, in addition to having to pay the ticket.
9. It remains a criminal offence to be in possession of *over* 2 ounces of ganja, and offenders can be arrested, charged, tried in court and, if found guilty, sentenced to a fine or to imprisonment or both. The conviction will also be recorded on that person's criminal record.
10. The rules against possession of ganja summarized at 7, 8 and 9 above do not apply to any of the following:
 - Possession of ganja for religious purposes as a sacrament in adherence to the Rastafarian faith
 - Possession of ganja for medical or therapeutic purposes as recommended or prescribed by a registered medical doctor or other health practitioner or class of practitioners approved by the Minister of Health

¹ The ticket is called a "fixed penalty notice" in the DDA.

- Possession of ganja for purposes of scientific research that is conducted by an accredited tertiary institution or is approved by the Scientific Research Council
- Possession of ganja pursuant to a licence, authorization or permit issued under the DDA.

Smoking of Ganja

11. Smoking of ganja in a public place or within five metres of a public place is prohibited in a manner similar to cigarettes.
12. A person who smokes in public cannot be arrested or detained. However, the police may issue a ticket to that person, who will have 30 days to pay \$500 at any Tax Office.
13. For the purposes of these smoking rules, a public place includes a workplace, and any place which is for the use of, or accessible to, the public, such as sidewalks, bus stops, restaurants, offices, educational institutions, pharmacies, hospitals, areas used by children, supermarkets and parks.
14. Smoking of ganja at privately-occupied residences that are not used for commercial purposes is not an offence, but is governed by the rules on possession of ganja referred to above.
15. Furthermore, smoking of ganja will be legally permitted in places that are licensed for the smoking of ganja for medical or therapeutic purposes. Adherents of the Rastafarian faith will also be permitted to smoke ganja for sacramental purposes in locations registered as places of Rastafarian worship.

Failure to pay a ticket

16. It is an offence to fail to pay a ticket that has been issued for smoking ganja in public or for possession of 2 ounces or less of ganja. The offender will be required to attend the Petty Sessions Court, and may be ordered to do community service,

or in the rare case where community service cannot be arranged, pay a fine of \$2,000. A conviction for failing to pay a ticket will also be recorded on the offender's criminal record.

Importation of ganja for terminal or serious chronic illness

17. A person who is suffering from cancer or any other terminal or serious chronic illness may import medicine or a therapeutic product derived from or containing ganja. In order to do so, a registered medical practitioner must certify that the person is suffering from the illness, and must recommend the person's use of the medicine or therapeutic product. The importation of the medicine or therapeutic product must comply with regulations which are to be made.

Importation for scientific research

18. In furtherance of scientific research, an accredited tertiary institution or other body approved by the Scientific Research Council may apply for authorization to import ganja (including any part of the plant) from any jurisdiction where the export of it to Jamaica is lawful. The importation of ganja for research purposes must comply with regulations which are to be made.

19. An authorization to import ganja for research purposes also protects any third party who is engaged by the scientific institution or body for this purpose.

Cultivation of ganja by householders

20. Each household is allowed to legally grow no more than five ganja plants on their premises. If there is more than one household on any premises, each household may grow five ganja plants.

Cultivation for scientific research

21. An accredited tertiary institution or other body approved by the Scientific Research Council may apply for authorization to cultivate ganja in furtherance of scientific research, on lands approved for that cultivation.

22. An authorization to cultivate ganja for research purposes also protects any third party who is engaged by the scientific institution or body for this purpose.
23. Ganja which is cultivated, processed, used and otherwise handled in accordance with this type of authorization is not subject to the rules against ganja under the DDA.

Cultivation for Rastafarian sacramental purposes

24. Persons 18 years or older who are adherents to the Rastafarian faith, or Rastafarian organizations, may apply for authorization to cultivate ganja for religious purposes as a sacrament in adherence to the Rastafarian faith.
25. Ganja that is cultivated under such authorization may not be smoked in public places other than at locations registered as places of Rastafarian worship, or sold or otherwise dealt with commercially, or exported from Jamaica, but is otherwise not subject to the rules against ganja under the DDA.

Events to celebrate/observe the Rastafarian faith

26. Persons who are adherents of the Rastafarian faith, or Rastafarian organizations, may apply for an event promoted or sponsored by them to be declared an exempt event. In order to apply, the event must be primarily for the purpose of the celebration or observance of the Rastafarian faith.
27. Where an event is declared exempt, persons who attend the event will not be liable to be arrested, detained or prosecuted for smoking ganja or possession of ganja at the event, or transporting ganja to the event, as long as they have complied with the amounts and conditions specified in the order declaring it an exempt event.

Visitors to Jamaica who are users of medical marijuana

28. Persons who do not ordinarily reside in Jamaica (for example, tourists or visiting Jamaicans who live overseas) may apply for a permit to allow them to lawfully

purchase and possess up to 2 ounces of ganja at a time, for medical or therapeutic purposes.

29. To obtain this permit, visitors will need to produce evidence that their use of ganja has been recommended or prescribed by a licensed medical practitioner in the country where they live. Alternatively, they can sign a voluntary declaration to confirm this. The permit is issued by Jamaica's Ministry of Health, and a fee is payable.

Hemp

30. Hemp is defined in the DDA as a ganja plant having a THC content of less than 1%.² Hemp is used to make a wide variety of products from cloth, paper and rope to medicines, beverages and cosmetics. Hemp is excluded from the provisions in the DDA that apply to ganja. However, the cultivation, processing, sale, import, export and other handling of hemp will be regulated by a licensing regime administered by the Cannabis Licensing Authority.

The Cannabis Licensing Authority

31. A Cannabis Licensing Authority is created by the DDA for the purpose of enabling a lawful, regulated industry in ganja for medical, therapeutic or scientific purposes, and in hemp, to be established in Jamaica.
32. The Cannabis Licensing Authority will be responsible for issuing licences, permits and authorizations for the handling of hemp and ganja, and for monitoring and otherwise regulating persons who have been issued licences, permits and authorizations. It is specifically mandated to ensure that regulations do not contravene Jamaica's international obligations.
33. The Cannabis Licensing Authority is comprised of representatives from several Ministries which are engaged with issues relating to ganja, the Attorney General's Department, the National Council on Drug Abuse, a representative from academia,

² THC (or tetrahydrocannabinol) is the psychoactive ingredient of ganja

and representatives from civil society groups and other non-governmental community-based and faith-based organizations.

Use of revenues from Ganja

34. The DDA provides that the Minister of Finance shall direct that a percentage of the revenues earned from issuing licences, permits and authorizations relating to ganja and hemp be used for:

- Strengthening the capacity and programmes of the National Council on Drug Abuse, including public education programmes to discourage the use of ganja by persons under 18 years, persons with a mental disorder, pregnant women and other vulnerable groups
- Strengthening Jamaica's mental health institutions and services
- Funding scientific and medical research into ganja and hemp
- Supporting the regulatory arrangements of the Cannabis Licensing Authority.

Increased penalties

35. The fines in the DDA have also been significantly increased for export, cultivation, possession, selling and trafficking of illegal drugs.

This table sets out who may apply, where to apply and the purposes for which licenses, permits or other authorisations may be granted under the DDA.

Who may apply	Where to apply	Purpose
<ul style="list-style-type: none"> • A duly accredited tertiary institution. • A body approved by the Scientific Research Council. • Third parties engaged by these bodies to cultivate or import the ganja plant or any part of the plant. 	Ministry of Science, Technology, Energy and Mining	<ul style="list-style-type: none"> • Cultivate ganja in furtherance of scientific research being conducted by the institution. • Import the ganja plant or part of the plant in furtherance of scientific research being conducted by the institution.
<ul style="list-style-type: none"> • A person, 18 years or older, who is an adherent to the Rastafarian faith. • Any organization that is comprised of persons who are adherent to the Rastafarian faith. 	Ministry of Justice	<ul style="list-style-type: none"> • Cultivate ganja for religious purposes as a sacrament in adherence to the Rastafarian faith. • Sponsor or promote an event which is primarily for the purpose of celebration or observance of the Rastafarian faith.
<ul style="list-style-type: none"> • Any person or organization meeting the criteria set by the Cannabis Licensing Authority 	Cannabis Licensing Authority	<ul style="list-style-type: none"> • Use, cultivation, processing, importation, exportation, transit, manufacture, sale, possession and distribution of – (a) ganja for medical, therapeutic or scientific purposes (including research, clinical trials, therapy and treatment and the manufacture of nutraceuticals and pharmaceuticals), and (b) hemp.

