

**BELIZE:**

**MISUSE OF DRUGS (AMENDMENT) ACT, 2017**

**ARRANGEMENT OF SECTIONS**

1. Short title.
2. Amendment of section 2.
3. Amendment of section 7.
4. Amendment of section 10.
5. Amendment of section 11.
6. Amendment of section 12.
7. Amendment of section 18.
8. Insertion of sections 28A and 28B.



No. 47 of 2017

I assent,

(SIR COLVILLE N. YOUNG)

*Governor-General*

2nd November, 2017

**AN ACT** to amend the Misuse of Drugs Act, Chapter 103 of the Substantive Laws of Belize, Revised Edition 2011, to decriminalize the possession of cannabis in amounts not exceeding ten grammes, to provide for the imposition of monetary and non-recordable penalties for the possession of cannabis in such amounts occurring on school premises, in specified circumstances, to decriminalize the smoking of cannabis on private premises; and to provide for matters connected therewith or incidental thereto.

*(Gazetted 4th November, 2017.)*

**BE IT ENACTED** by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same as follows:

1. This Act may be cited as the

Short title.

**MISUSE OF DRUGS (AMENDMENT) ACT, 2017,**

CAP. 103.  
R.E. 2011.

and shall be read and construed as one with the Misuse of Drugs Act, which, as amended, is hereinafter referred to as the principal Act.

Amendment of  
section 2.

2. Section 2 of the principal Act is amended,

(a) by deleting the definition of “cannabis” and substituting therefor the following:

““cannabis” includes any part of the plant of the *genus cannabis sativa*, any resin obtained from that plant and any product of which such resin forms a base, but does not include -

(a) medicinal preparations from that plant licensed or otherwise permitted under this Act;

(b) industrial hemp;”

(b) by adding the following new definitions in their proper alphabetical order:

““educational institution” means an institution recognized by the Ministry responsible for education as providing schooling or education and training; including an institution that provides pre-school, primary, secondary, post-secondary or tertiary education, within the meaning of the Education Act;

““industrial hemp” means any part of the plant of the *genus cannabis sativa*, with a tetrahydrocannabinol concentration of such amount as may be prescribed;”.

Amendment of  
section 7.

3. Section 7 of the principal Act is amended,

(a) in subsection (1), by inserting immediately after the words “Subject to” the words “subsection (7) and to”;

- (b) in subsection (2), by deleting the words “subsection (5) of” and substituting therefor the following words “subsections (5) and (7) of”;
- (c) in subsection (6), by inserting immediately after the words “other offence”, the words “, not including a contravention specified in subsection (7) (b),”;
- (d) by inserting next after subsection (6) the following as subsections (7), (8) and (9),

“(7) Where the controlled drug in a person’s possession is cannabis or cannabis resin in an amount of not more than ten grammes and –

- (a) the circumstances are not as specified in subsection (8) then, notwithstanding section 10, the possession is not unlawful and an offence is not committed;
- (b) the circumstances are as specified in subsection (8), then –
  - (i) the person contravenes this subsection, but, subject to subsection (10), is not liable to be arrested or detained but may, on the first occasion of such contravention be liable to a warning from the police, and on a second or subsequent occasion the provisions of violation ticket regulations made under section 28A shall apply, whereby the offender is liable to being issued with the prescribed violation ticket by an authorized officer requiring the violator to pay a fine of one hundred dollars or such other amount in substitution therefor as may be specified in violation ticket regulations, which amount

shall be clearly stated on the face of the violation ticket;

**(ii)** sections 26 (arrest without warrant) and 29 (forfeiture of means of conveyance) shall not apply to the contravention, and

**(iii)** the contravention shall not constitute an offence nor form a part of the criminal record of the person.

(8) The circumstances referred to in subsection (7) *(b)* are that the possession occurs on the premises of an educational institution, and for greater certainty “premises” includes buildings, playing fields or other facilities appurtenant to the institution, that are established, maintained or used by the institution for the benefit of its students, whether or not such buildings, playing fields or other facilities are within the same curtilage.

(9) Where the person found in possession is under the age of eighteen years, he is required to participate in a drug treatment or drug counselling programme approved by the Minister, and with such financial contribution to the cost of the programme being payable by the person or his parents or guardians, as the Minister may determine.”

Amendment of section 10.

4. Section 10 of the principal Act is amended,

**(a)** in subsection (1), by deleting the words “A person” and substituting therefor the words “Subject to subsection (1A), a person”;

**(b)** by inserting next after subsection (1) the following as subsections (1A) and (1B),

“(1A) Nothing in subsection (1), as relates to knowingly permitting or suffering –

- (a) the preparation of cannabis or cannabis resin in contravention of paragraph (c) of that subsection; or
- (b) the smoking of cannabis or cannabis resin in contravention of paragraph (d) of that subsection,

shall apply in the circumstances specified in subsection (1B).

(1B) For the purposes of subsection (1A), the circumstances are that the total amount of cannabis or cannabis resin in the possession of any person when any activity specified in paragraph (a) or (b) of that subsection occurs, is not more than ten grammes, and that any person in possession thereof would, by virtue of section 7 (7) (a), not have carried out an unlawful act or committed an offence, or would not be liable to a penalty greater than that specified in section 7 (7) (b).”

5. Section 11 of the principal Act is amended, by inserting next after subsection (1) the following as subsection (1A),

Amendment of  
section 11.

“(1A) For the purposes of subsection (1), a person who frequents any premises shall not be regarded as a drug user of cannabis or cannabis resin, if his use is within the circumstances specified in section 7(7)(a) or section 12 (2) and (3).”

6. Section 12 of the principal Act is amended,

Amendment of  
section 12.

- (a) by renumbering the section as subsection (1) of the section;
- (b) in subsection (1), as so numbered, by inserting immediately after the words “Subject to” the words “subsection (2) of this section and”; and

(c) by inserting next after subsection (1), as so numbered, the following as subsections (2) and (3),

“ (2) Nothing in subsection (1) of this section, as relates to,

(a) smoking or otherwise using cannabis in contravention of paragraph (a) of that subsection; or

(b) the possession of pipes or other utensils in connection with the smoking of cannabis in contravention of paragraph (b) of that subsection,

shall apply in the circumstances specified in subsection (3) of this section.

(3) For the purposes of subsection (2) of this section, the circumstances are that the total amount of the cannabis in the possession of the person is not more than ten grammes, and that the activity referred to in subsection (2) occurred upon the premises (including, for greater certainty, any yard or grounds appurtenant thereto) of,

(a) the residence of the person concerned;

(b) a residence owned or lawfully occupied by another person, and the activity is carried out with the consent of the other person;

(c) private sleeping accommodation of guests for reward (whether a hotel room or other lodging) secured by the person concerned, and the activity is carried out with the consent of the proprietor or duly authorized manager of the accommodation;

and where there is more than one household on any premises, each household shall be treated as a separate premises.”.

7. Section 18 of the principal Act is amended,

Amendment of  
section 18.

- (a) in subsection (2), by inserting immediately after the words “Subject to” the words “subsection (2A) and”;
- (b) by inserting next after subsection (2) the following as subsection (2A),

“(2A) Subsection (2) does not apply where the total amount of cannabis or cannabis resin found in the possession of any person, is not more than ten grammes, and that any person in possession thereof would, by virtue of section 7 (7) (a), not have carried out an unlawful act or committed an offence, or would not, by virtue of section 7 (7) (b), be liable to a penalty greater than that specified in section 7 (7) (b).”.

8. The principal Act is amended by inserting next after section 28 the following as sections 28A and 28B,

Insertion of sections  
28A and 28B in  
principal Act.

“Regulations for  
violation tickets.

28A. The Minister may make regulations to provide for the issue of controlled drug violation tickets and all matters connected therewith or incidental thereto, and without limiting the generality of the foregoing, the regulations may provide for all or any of the following matters,

- (a) the type of offences for which a controlled drug violation ticket may be issued;
- (b) the form of the violation ticket;



- (c) the fine to be stated on the violation ticket;
- (d) persons by whom the violation ticket may be issued;
- (e) the place or places where the fine stated on the violation ticket may be paid;
- (f) the time for paying such fines;
- (g) the penalty for failure to pay the fine within the time specified;
- (h) the procedure for requesting a court hearing by a person who has been issued with the violation ticket.

Expungement of  
certain convictions.

28B. (1) Subsection (2) applies to a person (in this section referred to as a “specified person”) convicted of an offence under section 7 relating to the possession of cannabis or cannabis resin, whether the conviction was before or after the coming into effect of this section, where the sentence imposed on conviction of the offence is a fine not exceeding one thousand dollars or such other amount as the Minister may by order prescribe.

(2) A specified person is entitled to the expungement from the records of the Belize Police Department of any conviction referred to in subsection (1), upon the person making an application therefor in such manner as may be prescribed.”