

**THE PERMITTED USE OF CANNABIS FOR
RELIGIOUS PURPOSES ACT
(ACT of 2018)**

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**The Permitted Use of Cannabis for Religious Purposes
Bill, 2018**

An Act to provide for the decriminalization of the use of cannabis as a sacrament in adherence to a religious practice by such religious bodies as may be prescribed by Order of the Minister, including, but not limited to, the Rastafarian faith, at their place of worship and at an event declared by Order of the Minister to be an exempt event, for the purposes of this Act and for matters and purposes incidental thereto.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same, as follows:-

Short title and commencement.

1. This Act may be cited as the Permitted Use of Cannabis for Religious Purposes Act, 2018 and shall come into operation on such day to be appointed by the Minister by notice published in the Gazette.

Interpretation.

2. (1) In this Act, unless the context otherwise requires-
“cannabis” has the meaning assigned to it in the Drugs (Prevention of Misuse) Act;

“Minister” means the Minister responsible for ecclesiastical affairs;

“minor” means a person who is under the age of eighteen years;

“place of worship” means a place designated by the Minister by Order under section 4, as a place of worship for the purposes of this Act;

“prescribed” means prescribed by Regulations made pursuant to this Act;

“religious faith” means a religious faith designated by the Minister by Order under section 4, as a religious faith for the purposes of this Act.

(2) The provisions of the Drugs (Prevention of Misuse) Act, the Drug Trafficking Offences Act, and the Proceeds of Crime Act, shall not prohibit, or otherwise restrict or render unlawful, the cultivation, possession, supply and use of cannabis in accordance with the provisions of this Act or Regulations made pursuant to this Act.

Permitted use of Cannabis for religious purposes.

3.(1) Subject to an Order made by the Minister under section 4 and except as otherwise provided for under this Act, a person who is an adherent of a religious body, including, but not limited to, the Rastafarian faith, or an organization comprising of such persons, may-

- (a) cultivate cannabis to be used solely for religious purposes as a sacrament in adherence to a religious practice of the religious body, on lands designated by Order of the Minister,
- (b) Possess cannabis, which is less than or equal to such amount as may be specified by the Minister by Order, to be used solely for religious purposes as a sacrament in adherence to a religious practice of the religious body;
- (c) transport cannabis which is cultivated for religious purposes, to a place of worship or pursuant to section 10, at an event declared by Order of the Minister to be an exempt event for the purposes of this Act, in compliance with such guidelines as may be issued by the Minister by Notice published in the Gazette, for use as a sacrament in adherence to a religious practice of a religious body;
and
- (d) supply and use cannabis for religious purposes as a sacrament in adherence to a religious practice of a religious body, at a place of worship or pursuant to section 10, at an event declared by Order of the Minister to be an exempt event for the purposes of this Act.

(2) For the avoidance of doubt, where there are reasonable grounds to suspect that there is an intention to contravene the provisions of section 6 or 7 or 8 of the Drugs (Prevention of Misuse) Act, subsection (1) shall not restrict the exercise of the discretion of the Director of Public Prosecutions from prosecuting a person for a relevant offence under that Act or

any other relevant enactment.

Application for designation by Minister

4. (1) Pursuant to section 3, a person who is member of a religious body which proposes to use cannabis for religious purposes, as a sacrament in adherence to a religious practice of the religious body, shall apply to the Minister, in the prescribed manner, to have the body designated as a religious body for the purposes of this Act.

(2) An application under subsection (1) shall include -

(a) the name, address and telephone number of the person or persons appointed as leaders of the religious body;

(b) the address of the place of worship of the religious body;

(c) a survey plan of the land on which cannabis for use in accordance with this Act is to be cultivated; and

(d) the proposed arrangements for the transportation of the cannabis from the land on which it is proposed to be cultivated, to the place of worship.

(3) Where the Minister is satisfied that a religious body will comply with the provisions of this Act and any regulations or orders made hereunder, he shall approve the application and cause to be published in the Gazette, an Order-

(a) designating -

- (i) the body as a religious body that is authorized to cultivate, possess, transport, supply and use cannabis for religious purposes in accordance with the provisions of this Act;
 - (ii) the place of worship of the religious body, as a place of worship where the members of the religious body are authorized to cultivate, possess, supply and use cannabis for religious purposes in accordance with the provisions of this Act;
- (b) designating the lands specified in the Order, as lands to be used for the cultivation of cannabis for religious purposes in accordance with the provisions of this Act; and
- (c) authorizing the members of the religious body to use cannabis for religious purposes, at a place of worship, in accordance with the provisions of this Act or pursuant to section 10, at an event declared by Order of the Minister to be an exempt event for the purposes of this Act.

Cultivation of cannabis by a religious body

5. Only the prescribed amount of cannabis shall be cultivated by a religious body in the prescribed manner and the lands upon which the cannabis is cultivated shall be subject to such inspections, as the Minister may deem necessary, so as to

ensure compliance with the provisions of this Act or regulations made pursuant to this Act.

Revocation of Order

6. (1) The Minister may revoke an Order made under this Act if any of the conditions of the Order or the provisions of this Act is contravened by the members the religious body.

(2) Where an Order is revoked pursuant to subsection (2), the Minister may order that all cannabis that is cultivated cultivated by the religious body shall be seized and destroyed by the Authority.

Prohibition of importation of cannabis.

7. No person shall import cannabis into St. Vincent and the Grenadines for religious purposes.

Possession of cannabis authorised for religious use.

8. The possession of cannabis by any person who is an adherent of a religious faith, at a place worship or, pursuant to section 10, at an event declared by order of the Minister, to be an exempt event for the purposes of this Act, is hereby authorized for the purposes of this Act and no person shall be liable to arrest, detention or prosecution for any offence, or any other penalty, as regards cannabis being transported to, or which is possessed, supplied or used at the place of worship or such event in such amount and subject to such conditions as may be prescribed.

Use of cannabis only at place of worship or at exempt event

9. (1) The use of cannabis by any person under this Act shall only be at and in relation to, a place of worship or, pursuant to section 10, an event declared by Order of the Minister to be an exempt event for the purposes of this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding six months or to both a fine and imprisonment.

Declaration of exempt event

10. (1) The Minister may, by Order, declare an event to be an exempt event for the purposes of this Act, if he is satisfied that the event is-

- (a) promoted or sponsored by a person who is an adherent of a prescribed religious body; and
- (b) primarily for religious purposes, in accordance with the provisions of this Act.

(2) Where an event is declared under this section to be an exempt event for the purposes of this Act, no person shall be liable to arrest, detention or prosecution for any offence or any other penalty as regards cannabis being transported to, or which is possessed, supplied or used at the exempt event in

such amount and under such conditions as are specified in the Order.

Prohibition of use of cannabis by minors.

11. (1) No person shall permit a minor to use cannabis at a place of worship or at an exempt event.

(2) A person who contravenes subsection (1) commits a summary offence and is liable on conviction to a fine not exceeding fifty thousand dollars or to a term of imprisonment not exceeding six months.

Issuance of guidelines by the Minister

12. The Minister may, by Notice published in the Gazette, issue guidelines to assist in the effective operation of this Act.

Regulations.

13. The Minister shall make Regulations for or with respect to any matter that, by this Act, is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Objects and Reasons

This Bill seeks to provide for decriminalization and not legalization of cannabis for religious purposes to be used solely as a sacrament in adherence to a religious practice of a religious body. Such use is permitted only at places of worship by religious bodies, including, but not limited to the

Rastafarian faith. The Bill also authorizes the use of cannabis for religious purposes at events that are declared by the Minister by Order to be an exempt event for the purposes of the Act.