

## **Explanatory Memorandum after page 23**

**18th November, 2019 - Fifth Draft**

### **OBJECTS AND REASONS**

This Bill would provide for a person who is an adherent of the Rastafarian religion and for Rastafarian congregations to use cannabis as a sacrament in worship at a place of worship or at a public place, and for related purposes.

*Arrangement of Sections*

1. Short title
2. Interpretation
3. Use of Cannabis as a sacrament
4. Application for sacramental use permit
5. Sacramental use permit
6. Exempt event permit
7. Terms and conditions
8. Securing premises
9. Commercial use
10. Register
11. Inspection of premises
12. Suspension or revocation of permits
13. Change of Particulars
14. Offences
15. Amendment of enactment in the *Second Schedule*

FIRST SCHEDULE

*FORMS*

SECOND SCHEDULE

*Consequential Amendments*



## **BARBADOS**

A Bill entitled

An Act to provide for a person who is an adherent of the Rastafarian religion and for Rastafarian congregations to use cannabis as a sacrament in worship at a place of worship or at a public place, and for related purposes.

ENACTED by the Parliament of Barbados as follows:

**Short title**

1. This Act may be cited as the *Sacramental Cannabis Act, 2019*.

**Interpretation**

2. In this Act,

“cannabis” has the meaning assigned to it by section 2 of the *Drug Abuse (Prevention and Control) Act, Cap. 131*;

“exempt event permit” means a permit granted under section 6;

“Minister” means Minister with responsibility for Legal Affairs;

“minor” means a person who is under 18 years of age;

“permit” means sacramental use permit or exempt event permit, as the case may be;

“place of worship” means any premises and the buildings thereon used as a place of worship for adherents of the Rastafarian religion;

“public place” means an indoor or outdoor area, whether privately or publicly owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not;

“religion” means the moral system of beliefs practised or followed by a person;

“religious body” means a group or association of persons who are adherents of the same religion and who elect to worship or practice their religion as a group or association;

“sacrament” means an item, thing or object, which is venerated or revered, as it is believed to be vital or essential to practice of the religion;

“sacramental use permit” means a permit granted under section 4.

**Use of Cannabis as a sacrament**

3. A person who is an adherent of the Rastafarian religion shall in the enjoyment of his freedom of religion be permitted to use cannabis as a sacrament in an assembly of or in association with other Rastafarians in a place of worship in accordance with the provisions of this Act.

**Application for sacramental use permit**

4.(1) A person who is responsible for the administration or management of a place of worship may apply to the Minister for the grant of a sacramental use permit to allow persons of that religious body to use cannabis for sacramental purposes at that place of worship.

(2) A person desirous of making an application under subsection (2) shall apply in the form set out as Form 1 of the *First Schedule*.

(3) A person whose application is approved by the Minister shall be granted a permit in the form set out as Form 2 of the *First Schedule*.

(4) The Minister shall notify the Commissioner of Police by an instrument in writing where a permit has been granted under subsection (2).

(5) A permit granted under this section shall remain valid unless the place of worship is no longer being used by the religious body referred to in subsection (1) as a place of worship.

**Sacramental use permit**

5.(1) A permit granted under section 4(2) grants permission for

- (a) the cultivation and harvesting of cannabis on the premises of the place of worship for the sacramental use of persons who attend that place or worship;
- (b) the possession, preparation or processing of cannabis as a sacrament at the place of worship;

- (c) the smoking or other use of cannabis as sacrament at the place of worship; and
  - (d) the storage, destruction, or disposal of cannabis at the place of worship.
- (2) A permit granted under section 4(2), shall not allow the growth of cannabis within 600 metres of a school.

**Exempt event permit**

- 6.(1) A person in charge of a place of worship granted a permit in accordance with section 4(3), may make an application for an exempt event permit in the form set out as Form 3 in the *First Schedule* to observe an occasion of worship or fellowship at a public place.
- (2) A person whose application is approved by the Minister shall be granted an exempt event permit in the form set out as Form 4 in the *First Schedule*.
- (3) A permit granted under subsection (2) shall only be valid for the date specified therein.
- (4) A permit granted under subsection (2) shall give permission for persons attending the exempt event to
- (a) use cannabis in the public place being used for the event;
  - (b) transport no more than 12 grammes of cannabis to the public place being used for the event; or
  - (c) supply or give cannabis for sacramental purposes at the event.
- (5) The Minister shall notify the Commissioner of Police by an instrument in writing where a permit has been granted under subsection (2).



**Terms and conditions**

7.(1) Subject to the provisions of this Act, the Minister may grant a sacramental use permit under this Act subject to such terms and conditions as the Minister considers necessary

- (a) to secure the cannabis from public access and public visibility;
- (b) to protect minors; or
- (c) in the interest of public safety, public health or public morality.

(2) Subject to the provisions of this Act, the Minister may grant an exempt event permit under this Act subject to such terms and conditions as the Minister considers necessary

- (a) to protect minors; or
- (b) in the interest of public safety, public health or public morality.

**Securing premises**

8.(1) A person who is granted a sacramental use permit shall implement such measures as the Minister shall specify in that permit to secure the cannabis on the premises of the place of worship in such a manner as to ensure that the cannabis is secured from public access and public visibility.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to a term of imprisonment of 2 years or to both.

**Commercial use**

9.(1) A person who sells cannabis on the premises of a place of worship granted a sacramental use permit is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to a term of imprisonment of 2 years or to both.

(2) A person who sells or uses the cannabis grown at a place of worship in a commercial venture or for any commercial purpose is guilty of an offence and is

liable on summary conviction to a fine of \$10 000 or to a term of imprisonment of 2 years or to both.

(3) A person who sells or offers for sale any cannabis at an event for which an exempt event permit has been granted is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to a term of imprisonment of 2 years or to both.

### **Register**

**10.** The Minister shall ensure that a register is kept in electronic form or otherwise, to record each issue of a sacramental use permit or an exempt event permit to a person for the benefit of a place of worship, and the register shall also record such other particulars with respect to place of worship, or the exempt event as the Minister may require.

### **Inspection of premises**

- 11.(1)** The Minister may for the purposes of the Act appoint inspectors to
- (a) inspect a place of worship or a public place where the Minister requires such an inspection for the purposes of making a determination under section 4(3) or section 6(2); or
  - (b) examine, where required by the Minister, any premises granted a sacramental use permit or exempt event permit to ensure compliance with this Act.
- (2) An inspector appointed under subsection (1) shall be eligible for such remuneration or other allowances, as the Minister may determine.
- (3) An inspector appointed under subsection (1) shall report to the Minister within 4 days of being required to do any inspection under subsection (1).

### **Suspension or revocation of permits**

**12.(1)** The Minister may suspend or revoke any permit granted under this Act

- (a) where there is a breach of any provision of this Act;
- (b) where there is a breach of any term or condition attached to a permit;  
or
- (c) in the interest of public safety, public health or public morality.

(2) Where the Minister suspends or revokes a permit he shall by an instrument in writing notify

- (a) the person in charge place of worship of the suspension or revocation and that the cannabis on the premises will be harvested and disposed of by the Commissioner of Police; and
- (b) the Commissioner of Police of the suspension or revocation and request that he attend the premises and harvest and dispose of any cannabis thereon, and submit a report on the completion of the same.

(3) In the case of a suspension the Minister, shall by the instrument in writing issued under subsection (2) notify the person in charge of the place of worship of the period of the suspension and the date on which that the suspension will end.

### **Change of Particulars**

**13.** The person granted a sacramental use permit under section 4(2) or his successor, shall in circumstances where the person in charge of a place of worship changes, notify the Minister by an instrument in writing of the change of leadership, and that notification shall state the full name of all persons who are involved in leadership of the place of worship as well as the relevant contact information such as residential addresses, residential telephone numbers, cellular telephone numbers and email addresses.

**Offences**

**14.(1)** No person shall

- (a) transport cannabis to or from a place of worship unless this occurs on a date for which an exempt event permit has been granted;
- (b) import cannabis into Barbados or export cannabis from Barbados for sacramental purposes;
- (c) be in possession of, supply or handle cannabis outside of a place of worship unless he is permitted to do so in accordance with the provisions of this Act; or
- (d) permit or allow a minor to use cannabis as a sacrament.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to a term of imprisonment of 2 years or to both.

**Amendment of enactment in the *Second Schedule***

**15.** The enactment specified in the first column of the *Second Schedule* is amended in the manner specified in the second column of the *Second Schedule*.

**FIRST SCHEDULE**

*(Sections 4 and 6)*

*FORMS*

**FORM I**

*(Section 4(2))*

**SACRAMENTAL CANNABIS ACT, 2019**

**APPLICATION FOR SACRAMENTAL USE PERMIT**

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1. Name of place of worship\*

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3. Address of place of worship :

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3. Full name of person (individual) applying:

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4. Address of applicant:

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5. Email address of applicant (optional):

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**6.** Telephone Numbers (home, cellular, work) of applicant:

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**7.** National Identification number of applicant (attach a copy of the identification card):

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**8.** State approximately how many people attend this place of worship:

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**9.** List the full name of at least 5 people (other than the applicant) who are principal officers, people involved in administration or management of this place of worship, as well as their national identification numbers, residential addresses, home and cellular telephone numbers and email addresses?

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Contact 1:

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Contact 2:

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Contact 3:

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Contact 4:

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Contact 5:

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**10.** I \_\_\_\_\_ hereby give permission for the Minister to make such enquiries regarding me, as well as with respect to any information herein regarding the place of worship as may be necessary for the purposes of the Act.

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Signature of applicant

Date



FORM 2

*(section 4(3))*

SACRAMENTAL CANNABIS ACT, 2019  
**SACRAMENTAL USE PERMIT**

\_\_\_\_\_  
*Permit No.*

\_\_\_\_\_  
*Name of ( place of worship )*

I hereby certify that the above-mentioned ( name of place of worship ) which is located at \_\_\_\_\_ is hereby by granted permission to use cannabis as a sacrament in the practice of the Rastafarian religion at this place of worship, in accordance with provisions of the *Sacramental Cannabis Act, 2019*.

**Terms and Conditions of this Permit**

\_\_\_\_\_  
*Full name*  
*Minister responsible for Legal Affairs*

\_\_\_\_\_  
*Date of Issue*

\_\_\_\_\_

FORM 3

*(Section 6(1))*

SACRAMENTAL CANNABIS ACT, 2019

**EXEMPT EVENT PERMIT**

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1. Name of place of worship

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2. Permit no: \_\_\_\_\_

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3. Address of place of worship:

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3. Full name of person (individual) applying:

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4. Address of applicant:

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5. Email address of applicant (optional):

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6. Telephone Numbers (home, cellular, work) of applicant:

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7. National Identification number of applicant:

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**NOTE.** Please be advised that this permit allows the use of cannabis as sacrament only. It DOES NOT grant permission to use a specific venue or remove the requirement to meet the necessary legal requirements to use that venue or place.

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8. What event is this permit being sought for?

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9. Where will the event be held, and what is the estimated start time and end time?

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10. Will a fee be charged for the event and if so how much?

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11. How many persons do think will attend this event?

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12. I \_\_\_\_\_ hereby give permission for the Minister to make such enquiries regarding me, any information herein or the place of worship as may be necessary for the purposes of the Act.

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Signature of applicant

Date

FORM 4

(section 6(2))

SACRAMENTAL CANNABIS ACT, 2019  
EXEMPT EVENT PERMIT

\_\_\_\_\_  
*Permit No.*

\_\_\_\_\_  
*Name of place of worship*

I hereby certify that the above-mentioned (name of place of worship) is hereby by granted permission to use cannabis as a sacrament in the practice of the Rastafarian religion at an event to be held on \_\_\_\_\_ at \_\_\_\_\_ which is located at \_\_\_\_\_.

This permit only allows the use cannabis in accordance with provisions of the *Sacramental Cannabis Act, 2019* , for the date for which this permit is valid. It does not grant permission to use the venue. You must make the necessary arrangements for the use of your venue of choice and comply with any legal requirements to use that venue.

**Terms and Conditions of this Permit**

\_\_\_\_\_  
*Full name*

*Minister responsible for Legal Affairs*

\_\_\_\_\_  
*Date of Issue*

\_\_\_\_\_

**SECOND SCHEDULE***(Section 15)**Consequential Amendments***Enactment this***Drug Abuse (Prevention and Control) Act,  
Cap. 131***Amendment**

In section 5(1) insert the following words after the words “section 12 ,”:  
“ or the *Sacramental Cannabis Act, 2019* (Act 2019 -), ”

In section 6 (1) insert the following words after the words “section 12 ,”:  
“ or the , ”  
*Sacramental Cannabis Act, 2019* (Act 2019 - )

In section 9(1) delete the word “It” and substituting the following words:  
“ Subject to the provisions of the *Sacramental Cannabis Act, 2019* (Act 2019 - ), it”.

In section 11(1) insert the following words after the words “section 12 ,”:  
“ or the *Sacramental Cannabis Act, 2019* (Act 2019 -), ”

In section 18 by insert immediately after subsection (3) the following new subsection:  
“(3A) Where an exempt event permit is granted in accordance with the *Sacramental Cannabis Act, 2019* (Act 2019 - ), no person attending the event to which the permit applies shall be liable under this section.”.

In Section 20(1) by delete the word “No” and substituting the following:

“ Subject to the provisions of the *Sacramental Cannabis Act, 2019 (Act 2019 - )*, no”.

## EXPLANATORY MEMORANDUM

The Bill would provide for the sacramental use of cannabis by an adherent of the Rastafarian religion in association with other persons of the same religion.

- Clause 1:** provides a short title by which the Act will be cited.
- Clause 2:** defines certain terms which are critical to the understanding of the Act.
- Clause 3:** is a declaratory clause affirming that the adherents of the Rastafarian religion may use cannabis in their worship as a religious body.
- Clause 4:** creates a permit scheme to facilitate the use of cannabis for sacramental purposes.
- Clause 5:** indicates what the sacramental use permit facilitates. It allows for the cultivation, harvesting and processing of cannabis at a place of worship to ensure its availability for the worship of the religious body. The cannabis produced on the compound of the place of worship can be readily supplied to and possessed by the people who attend that place of worship.
- Clause 6:** provides for the observance and use of the sacrament of cannabis at special events which are held away from the place of worship.
- Clause 7:** provides for terms and conditions to be attached to premises.
- Clause 8:** requires that cannabis grown for the purposes of this Act is to be secured from public access and public viewing.



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- Clause 9:** prohibits the use of cannabis under this Act for commercial benefit.
- Clause 10:** establishes a register to ensure that these places of worship are known and can be supported or regulated as the law may require.
- Clause 11:** provides for the Minister to appoint inspectors to investigate places of worship to ensure compliance.
- Clause 12:** provides for the permits to be suspended or revoked where the permit is not being used in accordance with the Act.
- Clause 13:** requires that the people in charge of the places of worship keep the Minister informed of any change in the leadership.
- Clause 14:** creates offences for the protection of the vulnerable.
- Clause 15:** provides for consequential amendments to be made to the *Drug Abuse (Prevention and Control) Cap. 131* to accommodate the use of cannabis as a sacrament.