



Public Awareness Fact Sheet

Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017

1. The Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 came into effect on 20 December 2017 to make amendments to the Misuse of Drugs Act 1972.
2. Cannabis remains a controlled drug under the Misuse of Drugs Act 1972. The Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 does **NOT** legalize the use of cannabis in Bermuda.
3. The Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 removed criminal offences for the simple possession by any person of 7 grams or LESS of cannabis. The Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 does **NOT** make it legal for a person to consume, cultivate, traffic or import cannabis in any quantity. Section 8(1) of the Misuse of Drugs Act 1972 sets out that no person shall misuse a controlled drug.
4. The Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 does **NOT** erase prior criminal convictions in connection with cannabis that were in effect before the Act came into force.
5. The Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017 does **NOT** provide any guarantee that a person will not be stopped when attempting to travel to the United States of America for any reason, including if that person already has a prior conviction for simple possession of cannabis. Such matters are outside of the control of the Government of Bermuda.
6. Under the Misuse of Drugs (Decriminalisation of Cannabis) Amendment Act 2017, a police officer of any rank has the lawful authority to seize any amount of cannabis in the possession of any person.
7. If a person is found to be in possession of any amount of cannabis, a police officer may seize the cannabis. The person may or may not be arrested depending on the circumstances. The cannabis will be weighed and tested.
8. Even if a person is caught with 7 grams or less of cannabis, that person's residence, vessel or vehicle may be subject to search, if the police suspect other offences, such as possession with an intent to supply, or other criminal offences. It is still illegal to use, sell (supply), handle, or import cannabis and a person may be prosecuted for such offences.
9. If a person is caught with more than 7 grams of cannabis, that person may be arrested and prosecuted, resulting in a criminal conviction.
10. It remains illegal to smoke cannabis in public or private places.
11. The Director of Public Prosecutions has confirmed that the Caution Policy that was introduced by him in February 2017 regarding simple possession of less than 3 grams of cannabis no longer has effect.
12. The Minister responsible for drug prevention (the Minister of Social Development and Sports) is required under the new Act to make regulations that provide for substance abuse education or treatment for any person and in particular any minor found to be in possession of any amount of cannabis.

