

No. 14 of 2023.

*Freedom of Conscience (Cannabis)  
Act, 2023.*

Saint Christopher  
and Nevis.



I assent,

MARCELLA LIBURD

*Governor-General*

21<sup>st</sup> June, 2023.

## SAINT CHRISTOPHER AND NEVIS

### No. 14 of 2023

AN ACT to facilitate the personal cultivation by adults of cannabis for private use in a secured area within a private residence and the personal possession and use of cannabis in certain public places within designated smoking areas for the enjoyment of a person's freedom of conscience, including freedom of thought and of religion; and for related matters

*[Published 21<sup>st</sup> June 2023, Extra Ordinary Gazette No. 35 of 2023.]*

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

#### 1. Short title.

This Act may be cited as the Freedom of Conscience (Cannabis) Act, 2023.

#### 2. Interpretation.

In this Act,

“adult” means a person at least 18 years of age;

“cannabis” means any plant of the genus cannabis or any part of such plant by whatever name designated except that it does not include cannabis resin or any of the following products after separation from the rest of the plant, namely—

- (a) the mature stalk of any such plant;
- (b) the fiber produced from the mature stalk of any such plant; and
- (c) the seed of any such plant;

“Cannabis Act” means the Cannabis Act, No. 8 of 2020;

“cannabis material” means—

- (a) cannabis;
- (b) cannabis resin; and

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(c) any other raw material derived from cannabis;

“cannabis resin” means the separate resin, whether crude or purified, obtained from any plant of the genus cannabis;

“Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act” means Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act, Cap.9.08;

“Minister” means the Minister responsible for faith-based affairs;

“Ministry” means the Ministry responsible for faith-based affairs;

“licence” means a licence issued by the Ministry responsible for faith-based affairs pursuant to section 3 of this Act;

“permitted public place” includes 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, excluding—

- (a) schools and all other educational institutions;
- (b) school buses or other educational transportation;
- (c) hospitals;
- (d) health centers;
- (e) churches or other religious establishments except as is permitted under the Act or any other law;
- (f) police stations or training facilities;
- (g) defence force camps or training facilities;
- (h) correctional facilities whether publicly or privately operated;
- (i) community centres;
- (j) Government and Statutory Corporation offices;
- (k) Motor vehicles owned by Government or a Statutory Corporation; and
- (l) other public places declared by the Minister by Order;

“smoke” or “smoking” means to inhale, exhale, burn, combust or vaporise any lighted or heated device or pipe, or any other lighted or heated cannabis or cannabis resin intended for inhalation, whether natural or synthetic, in any manner or in any form and includes the use of an electronic smoking device that creates an aerosol or vapour, in any manner or in any form, or the use of any orally used device for the purpose of circumventing the prohibition of smoking;

“Smoking (Designated Areas) Act” means the Smoking (Designated Areas) Act, 2023;

“temporary licence” means a licence issued by the Ministry responsible for faith-based affairs pursuant to section 4(2) of this Act;

**3. Application for Licence.**

- (1) An adult may apply to the Ministry for a licence permitting—
  - (a) possession of fifty-six grammes or less of cannabis or fifteen grammes or less of cannabis resin in permitted public places;
  - (b) smoking of cannabis or cannabis resin in areas designated for smoking pursuant to the Smoking (Designated Areas) Act in permitted public places; and
  - (c) cultivation of five or less cannabis plants in a secured area within that person's private premises so as to prevent minors or persons vulnerable to substance abuse from accessing such plants or any other unauthorized access to such plants;

for the purpose of exercising his or her right to enjoyment of his or her freedom of conscience, including freedom of thought and of religion.

(2) An application for a licence shall be made in the form set out in Part I of the Schedule.

**4. Application Fees.**

- (1) The fee payable for an application for a licence shall be one hundred dollars.
- (2) A temporary licence may be issued for a period not exceeding seven calendar days and may be issued on the same day that the application is made.
- (3) The fee payable for an application for a temporary licence shall be three hundred dollars.
- (4) For the purposes of this section, the payment of fees shall commence six months after the coming into force of this Act and all applications made during the transition period shall not attract a fee.

**5. Licence.**

- (1) A licence issued pursuant to this Act, other than a temporary licence, shall be—
  - (a) valid for a period of one year;
  - (b) recorded in a register of licences kept by the Ministry; and
  - (c) evidenced by the issuance of a licence card, which shall include—
    - (i) the name of the licensee;
    - (ii) the residential address of the licensee;
    - (iii) an alphanumeric identification number that is unique to the licensee;
    - (iv) the date of issuance and expiration date of the licence card; and
    - (v) a recent photograph of the licensee.
- (2) A temporary licence shall be—
  - (a) valid for a period of seven calendar days;

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- (b) recorded in a register of licences kept by the Ministry; and
- (c) evidenced by the issuance of a document, which shall include—
  - (i) the name of the licensee;
  - (ii) the residential address of the licensee;
  - (iii) an alphanumeric identification number that is unique to the licensee; and
  - (iv) the date of issuance and expiration date of the licence card.

**6. Refusal, or revocation of licence.**

- (1) The Ministry may refuse to issue a licence pursuant to section 2 if the applicant—
  - (a) received medical treatment for, or is otherwise vulnerable to, substance abuse;
  - (b) has been diagnosed as having a mental illness by a licenced medical doctor; or
  - (c) has been convicted of any drug trafficking offence, arms trafficking offence or human trafficking offence under the laws of Saint Christopher and Nevis.
- (2) The Minister may revoke a licence pursuant to this section if he or she is satisfied that the licensee has—
  - (a) provided false information or misrepresented any information contained in his or her application made pursuant to section 3;
  - (b) been convicted of a criminal offence punishable by fine or imprisonment under any law;
  - (c) been issued three or more tickets for smoking in a public area not designated for smoking;
  - (d) having received a report in writing from the police, defence force or any official of the Ministry responsible for social services, he or she is satisfied that the licensee has possessed, smoked or cultivated cannabis material so as to expose, or to provide access to, a minor or person vulnerable to substance abuse to such cannabis material;
  - (e) been diagnosed as having a mental illness by a licenced medical doctor; or
  - (f) received medical treatment for substance abuse.
- (3) A holder of a licence whose card has been revoked shall not be granted a new licence for a period of two years.

**7. Licensed possession and Cultivation of cannabis.**

- (1) The provisions of the following sections of the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs) Act shall not apply to the holder of a licence—
  - (a) sections 6(1) and 6(2); and
  - (b) sections 7(1) and 7(2).

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- (2) The holder of a licence who contravenes the provisions of this Act, by—
- (a) possessing more than fifty-six grammes of cannabis or fifteen grammes of cannabis resin in permitted public places;
  - (b) smoking cannabis or cannabis resin in areas not designated for smoking pursuant to any law in permitted public places;
  - (c) cultivating more than five cannabis plants; or
  - (d) failing to cultivate the five cannabis plants or less in a secured area within that person's private premises so as to prevent minors or persons vulnerable to substance abuse from accessing such plants or any other unauthorized access to such plants;

shall be liable in accordance with the provisions of the Drugs (Prevention & Abatement of the Misuse and Abuse of Drugs).

**8. Regulations.**

The Minister may make regulations to give effect to the provisions of this Act.

**SCHEDULE**

(section 3)

**PART I**

## Application Form

Name of Applicant:

Date of Birth of Applicant (certified copy of birth certificate attached):

Nationality of Applicant:

Type of Valid Government-issued Identification attached (certified copy):

passport     driver's licence     voter's ID     Social Security Card

Residential Address of Applicant:

Email Address of Applicant:

Mobile Phone and Landline Phone Numbers of Applicant:

Is the entire perimeter of your residence secured by fencing or otherwise: Yes .... No ....

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Have you ever been diagnosed or treated for a mental health illness: Yes .... No ....

Have you ever been treated for a substance abuse: Yes .... No ....

I, ....., hereby declare under the penalty of perjury that I believe that the use of cannabis is an integral part of my religion, faith or belief-based upliftment and edification and that I intend to cultivate and use cannabis pursuant to the limited provisions within the Freedom of Conscience (Cannabis) Act, 2023 (“the Act”) for my personal religion, faith or belief-based upliftment and edification. I will not expose cannabis to minors or persons vulnerable to substance abuse. I also acknowledge that my licence can be revoked by the Minister pursuant to section 6(2) of the Act.

LANEINK BLANCHETTE  
*Speaker*

Passed by the National Assembly this 20<sup>th</sup> day of June, 2023.

TREVLYN STAPLETON  
*Clerk of the National Assembly*