

HOUSE OF REPRESENTATIVES*Wednesday, December 11, 2019*

The House met at 1.30 p.m.

PRAYERS[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Madam Speaker: Hon. Members, I have received communication from the hon. Shamfa Cudjoe, MP, Member for Tobago West who has requested leave of absence for the period December 10th to the 15th, 2019; the hon. Kamla Persad-Bissessar SC, MP, Member for Siparia and Dr. Lackram Bodoie, MP, Member for Fyzabad, who have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

PAPERS LAID

1. Annual Report of the Legal Aid and Advisory Authority for fiscal year 2014 to 2015. [*The Attorney General (Hon. Faris Al-Rawi)*]
2. Financial Obligations (Amdt.) Regulations, 2019. [*The Minister of Finance (Hon. Colm Imbert)*]

JOINT SELECT COMMITTEE REPORT**National Statistical Institute of Trinidad and Tobago Bill, 2018****(Presentation)**

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Madam Speaker. Madam Speaker, I have the honour to present the following report:

Interim Report of the Joint Select Committee appointed to consider and report on the National Statistical Institute of Trinidad and Tobago Bill, 2018 in the Fifth Session, Eleventh Parliament.

UNREVISED

PRIME MINISTER'S QUESTIONS
Cobham Helicopter Services Limited
(Details of)

Dr. Tim Gopeesingh (*Caroni East*): Madam Speaker, hon. Prime Minister, could you state the total amount of the judgment award, inclusive of legal costs, to be paid to the UK based Cobham Helicopter Services Limited, with respect to the termination of the Air Guard's Helicopter Maintenance and Technical Support contract which your administration entered into in 2017?

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, this question requires a certain amount of research, and 20 minutes could not do the question justice. However, I will give my colleague the assurance that if he files this question with the appropriate notice, a comprehensive answer can be given at the next sitting of Parliament.

Madam Speaker: Member for Caroni East.

Dr. Gopeesingh: Yeah. I appreciate that, hon. Prime Minister. I just want to jog back your memory. Could you remember at what time this contract was entered into?—because I think you were part of the Government when this was done. If you cannot, well, I will wait for your answer when I ask it. I am just jogging your memory.

Hon. Dr. K. Rowley: Madam Speaker, I do not think my colleague should try to jog my memory because my memory will take a lot of jogging. This goes way back to the cancellation of the OPVs and the contracting of the purchase of the helicopters. From the time the helicopters were purchased, the maintenance contract would have kicked in. And if your memory is jogged, then you would remember it is not my Government that cancelled the contract, but let us wait until next week. And as a matter of fact, you will get a comprehensive answer, and that

is the reason why I have asked and I am glad that you have acquiesced to that, so next week we will get the whole story.

TSTT's Credit Ratings

(Government Guarantee for Borrowing)

Dr. Tim Gopeesingh (*Caroni East*): Hon. Prime Minister, having regard to the highly speculative and high credit risk B2 and BB-(minus) rating ascribed to TSTT by Moody's and Standard & Poors respectively, was the Government, as 51 per cent shareholder in TSTT, required to provide a guarantee for the company to borrow \$2.7 billion via its recent 8.87 per cent 10-year bond issue?—a very important question.

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the business of TSTT does not require a government guarantee.

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: If at all possible, indicate who would have stood this guarantee? Is it TSTT itself?

Hon. Dr. K. Rowley: Madam Speaker, TSTT in its corporate business and its internal banking arrangements would have done that, and did not require a guarantee expressed by the Minister of Finance.

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: Would you indicate whether you are aware if a Note came to Cabinet via the Minister of Public Utilities on this issue?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, a Note would have come to Cabinet well in advance of this date or this particular issue where TSTT indicated its strategic plan, and in that strategic plan it would have indicated how it intended to proceed.

New Polymer \$100 Bills**(Printing Company)**

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. Could the Prime Minister inform this House which company printed the new polymer \$100 bills?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): The polymer \$100 bills would have been printed by the same company that normally prints our money and have been doing so for the last 20—how many years?

Mr. Young: For decades.

Hon. Dr. K. Rowley: For decades, I am being told. That company is De La Rue.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Could the Prime Minister indicate when the order was placed?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: I cannot without consulting the files indicate, but that order would have been placed a long time ago. I could not give you the exact date on short notice, but the order was placed by this Government, so it would not have been your senatorial colleague. It was placed by this Government and it was placed in 2019, but the intention to place the order would have been—in fact, just to put my colleague at ease, this process as a national security process, would have been initiated in 2017. The first pieces of correspondence would have appeared in 2017, and the actual placement of the order after preparation and discussion would have been many months ago in 2019.

New \$100 Bills**(Printing Costs)**

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. Could the Prime Minister inform this House of the cost of printing the new \$100 bills?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the cost of printing our money is a national security matter and will remain so. What I could tell the Member is that the cost of this bulk purchase, the unit cost would have been cheaper because normally bills are printed in increments, in tranches, and this large tranche would have resulted in a lower cost per unit.

**Plywood Factory and Dry Dock Facility
(Status of Projects)**

Mr. David Lee (Pointe-a-Pierre): Thank you, Madam Speaker, to the hon. Prime Minister. Prime Minister, can you provide an update into the status of two major projects which your Government committed to the people of La Brea, namely the construction of a \$200 million plywood factory announced in 2016 and the construction of a dry dock facility announced in 2018?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, in our quest as a nation to diversify our economy we are constantly looking for new opportunities, new openings, new possibilities. With respect to the plywood as a possibility, that was raised as a possibility and not a project. It was examined and found not to be viable, to be pursued, and has not been pursued for many reasons, not the least of which was a new development with respect to the whole environmental aspect and safety of the plywood business.

Secondly, the dry dock, work continues apace to get to a point where we can have an investment decision, but that work continues, Madam Speaker.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker, to the hon. Prime Minister, in the second part, the dry dock facility, could you give us a status of what is the status or the

percentage of where we are at with the dry dock facility?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Well, Madam Speaker, the dry dock facility, what we were committing to or what we are still committed to, is an investment. We are working with a Chinese company, and we got to the point of getting an agreement on a percentage shareholding of investment. As to which company is going to do it, we had some changes on that and we are still working through that through the diplomatic channels, Madam Speaker.

Heritage Petroleum Company

(Status of Mike Wiley)

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. Hon. Prime Minister, could you give the status of Mr. Mike Wiley at Heritage Petroleum Company, and if the former CEO is still receiving compensation from the said company which is Heritage Petroleum Company?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the former CEO of Heritage, Mr. Wiley, has had his contract ended so he is not on the payroll, but the matter is with the lawyers where they are seeking to come to an amicable agreement with respect to the discontinuation of his contract with the Heritage Petroleum Company Limited.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Hon. Prime Minister, supplemental. Could you give us a figure of what that is outstanding, or what is the agreement as far the compensation for Mr. Wiley?

Hon. Dr. K. Rowley: As much as I would like to facilitate my colleague, I am not in a position to do that, but that is a matter which is internal management to

Heritage and if there is some notice, we might be able to, but since the matter is being discussed in some element of arbitration, I expect that we would be hesitant to answer the question in that way. When the matter is concluded, that information could easily be made public.

Darryl Smith Affair
(Status of Investigations)

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. Could the Prime Minister update this House on the status of investigations into the Darryl Smith affair particularly in light of a statement by a member of the investigative committee accusing two senior Cabinet Members of “mysogyny”?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, the Government through the Prime Minister and the Attorney General have spoken publicly on this investigation and its status. The investigation status is that a report has been done from the investigation and legal advice obtained at the Office of the Prime Minister and at the office of the Attorney General indicated that the report by virtue of its nature and its process could not be used in the public domain. The report was in the hands of the Permanent Secretary, Office the Prime Minister, head of the public service, and that office was also constrained by this legal impediment. And with respect to, “mysogyny”, you said? I presume you mean misogyny, [*Laughter*] I know of nobody in the Cabinet that is guilty of misogyny, Madam Speaker.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Does the Prime Minister not think that the appropriate body for doing this investigation is the Police Service of Trinidad and Tobago? And could you indicate—

Madam Speaker: A question, one question at a time. Prime Minister.

Hon. Dr. K. Rowley: If you could indicate what law is broken to be filed with the police, then maybe that might make some sense. A report that is not legally sustainable, a report that is not sustainable would not give the police a position on it. This thing has been discussed at length, I do not know what you will tell the police that is different to what we have told the public.

Madam Speaker: Supplemental, Member for Princes Town.

Mr. Padarath: Thank you, Madam Speaker. Hon. Prime Minister, in light of the answers that you have provided, could you indicate in your estimation what is the next step in terms of bringing this matter to a close?

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: Madam Speaker, as Prime Minister of Trinidad and Tobago I had reason to be dissatisfied with the actions in a Ministry and the actions of a Minister with respect to the termination of employment in that Ministry. As Prime Minister I have done the ultimate which is to dismiss the Minister and, of course, as far as I am concerned that is the end of the matter. I do not have any authority to do anything else on that matter.

With respect to any other aspect of that matter, the report which sought to investigate further nuances of the report, got to the Permanent Secretary, head of the public service, and that is where the matter is. So if there are opportunities for other matters to be dealt with, it has to be done through the office of the Permanent Secretary. And as far as I am aware, the Permanent Secretary is not in a position to use any report which the legal advice indicates is not useful. And all of the information surrounding that matter is in the public domain, having come from the relevant "stater", the Office of the Prime Minister, the Attorney General and, in fact, the Permanent Secretary.

Unipet's Ability to Pay**(Details of)**

Mr. Rodney Charles (*Naparima*): Thank you, Madam Speaker. Was the Prime Minister aware when he addressed the House last week on the Unipet matter that the State had owed Unipet considerable sums of money thus affecting Unipet's ability to pay Paria Fuel Trading Company Limited for fuel supplied?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I had no involvement in Unipet's financial status when I addressed this House last week. I addressed an issue on the simple note that Unipet is required to pay Paria for product made available to Paria, and that is as far as I am aware and I am prepared to go. Unipet's requirement to pay Paria is not conditional, as far as I am aware, on what other agencies of government owe Unipet, those are completely separate matters.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Is the Prime Minister given to commenting on matters where he is not fully apprised of all of the information and going on to—

Madam Speaker: Member for Naparima, I am not going to allow that question. Member for Caroni East.

Dr. Gopeesingh: Hon. Prime Minister, would the Government be prepared to allow Unipet to import their own fuel by themselves or privately or any other petroleum company to import their fuel on their own without going through NP and so on?

Madam Speaker: I am not going to allow that question arising out of what has already been discussed here. Member for Naparima.

National Petroleum Marketing Company

(Quantum Owed to Paria Fuel Trading Company Limited)

Mr. Rodney Charles (*Naparima*): Could the Prime Minister inform the House of the quantum owed by the National Petroleum Marketing Company to Paria Fuel Trading Company Limited as at November 30, 2019, or at the latest date for which said data is available?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, NP has paid all its non-subsidiary amounts for September and October, and has paid approximately half a million dollars towards the not yet due November bill; \$321,937,441 would be the total due for November. [*Crosstalk*] Well, it is not yet due.

Campaign Finance Reform Bill**(Status of)**

Mr. Rodney Charles (*Naparima*): Could the Prime Minister inform this House if and when the campaign finance reform Bill will be introduced and debated in the both Houses of Parliament?

Madam Speaker: Prime Minister.

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, this Government does not deal with if and when. We had made definitive statements and commitments were made that this Government will bring to this House campaign finance reform. And, Madam Speaker, the Government has spoken publicly that we have draft legislation in readiness to bring to this House, we have a legislative agenda, and that piece of legislation will take its place in that agenda in the very near future.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Can the Prime Minister indicate some time frame in which it will be brought to Parliament in the context of the next general election.

Madam Speaker: Prime Minister.

Hon. Dr. K. Rowley: I just did. I said it is going to take its place in the scheme of the legislative agenda, and that was said against the commitment that it will be done. This Government has brought, has committed to do it. This Government is saying that the legislation is advanced and will be in this House in the very near future, and it will come to the House for treatment in the very near future.

Madam Speaker: Supplemental, Member for Naparima.

Mr. Charles: Can I take it then, Prime Minister, that it will come before the next general election?

Madam Speaker: I am not going to allow that. I am not going to allow that.

Hon. Dr. K. Rowley: Do you know when the next general election is?

Madam Speaker: Prime Minister, I am not going to allow that.

URGENT QUESTIONS

Old \$100 Notes

(Deposit of)

Mr. Rudranath Indarsingh (*Couva South*): Thank you very much, Madam Speaker, to the Minister of Finance: Could the Minister inform this House if the owners of businesses can deposit old \$100 notes realised from transactions on the December 31, 2019, on the next banking day on January 02, 2020?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. Madam Speaker, this matter and other related matters currently form the subject of discussions between the Ministry of Finance, the commercial banks and the Central Bank. And the three groups or three entities are looking at the various options available to deal with whatever old bank notes are presented on the 31st of December. [*Interruption*] I do not know what you are putting up your hand for, I have not finished speaking.

Mr. Indarsingh: I am trying to gain the attention of the Speaker.

Hon. C. Imbert: So, Madam Speaker, what I would say right now, the deadline for cancellation of the note is December 31st, and the Ministry of Finance, the Central Bank and the commercial banks are in discussions as to what can be done to accommodate especially retailers and business owners who would have significant quantities of cash in their possession after the Christmas shopping; between the 27th of December and the 31st of December.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you. Could the Minister of Finance tell this House if “doubles” vendors, “saheena” vendors, “pholourie” vendors, fishermen, those who cut grass, on the 31st of December, and are not owners of legitimate registered businesses, will be allowed to deposit their income realized from transactions on the 31st of December, 2019, into their accounts on the next banking day, the 2nd of January, 2020? [*Desk thumping*]

Madam Speaker: Minister of Finance.

Hon. C. Imbert: Thank you very much, Madam Speaker. The whole question as to what is done with what is referred to as the unbanked persons without commercial bank accounts, persons who are in the informal sector, that is all being discussed between the commercial banks, the Ministry of Finance and the Central Bank. I would expect if someone does provide services on the 31st, they may very well get the new notes. But all of these things are under active discussion that even before I came to this House today, a few minutes before I entered the Chamber, I was in discussion with the Governor of the Central Bank to see what was the current position with respect to your urgent question as to what businessmen would be doing with the cash that they would have at the end of the year and so on. So all of these things are being actively discussed on a daily basis. These are real-life

situations and we are seeking to provide real-life options to them to minimize the inconvenience to the public.

Madam Speaker: Supplemental, Member for Caroni East.

Dr. Gopeesingh: Hon. Minister, since you by virtue of the legislation we passed last week, where you can direct the Central Bank as to the closing date for all this business with the \$100 bill issue, what is your position as the Minister of Finance on this matter in the negotiations with the Bankers Association and the Governor of the Central Bank? What is your position as the Minister of Finance?

Madam Speaker: Minister of Finance.

Hon. C. Imbert: As a current and loyal Member of the Cabinet, I am guided by the Cabinet, and the Cabinet has taken a decision that the date of cancellation will be December 31, 2019.

Access to Beds at Nation's Hospitals

(Details of)

Mr. Rodney Charles (*Naparima*): To the Minister of Health: Is it the case that patients now have to wait days to access beds in the nation's hospitals because of the numbers with flu symptoms?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker, and thank you, hon. Member, for the question. The best way to answer this is to give some statistics. The cases of suspected flu from 2014 peaked at 7,018. Because of this Government's aggressive vaccination drive, we are now in 2018, at 4,515 suspected. 2019, up until December the 6th, we have 3,232. In other words, there is a more than 50 per cent decline in the cases of suspected influenza cases being seen; that would translate into less demand for hospital beds.

What I can tell the hon. Member is this. There was a peak in November for about two weeks when the influenza virus inclusive of H1N1 took its toll. That

peak has since declined significantly, and we are now in a much better place than we were two weeks ago.

What I can also tell the public is that I am concerned that the message for vaccination is not getting through to one particular group of people. That is the number of deaths being recorded amongst the East Indian diabetic population in south Trinidad with core morbidities like diabetes, hypertension, obesity and who are smokers. The majority of those deaths unfortunately fall into that category, and the majority of them are unvaccinated.

The other major group that I am concerned about, because I got some data yesterday, only 217 pregnant women have availed themselves of the vaccination; that is another area of concern. So I am appealing to the vulnerable groups, the elderly with diabetes, hypertension, obesity, smoking; get vaccinated.

I am also appealing to the pregnant population because that rate of 200 uptake is abysmally low, and I will appeal to all in the vulnerable groups, children six months to five years, the diabetics, those on immunosuppressant drugs, the asthmatics, those suffering from obstructive pulmonary disease and so on, to get vaccinated. Thank you, Madam Speaker.

Madam Speaker: Member for Couva South, were you trying to get my attention or is it that you were quaffing your hair?

Mr. Indarsingh: No. I was trying to get your attention.

Madam Speaker: Okay. Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Minister, could you tell us if there is any truth to probably over 65 deaths at the San Fernando General Hospital which has been diagnosed as acute respiratory distress, but actually linked to the swine flu issue in this country?

Hon. T. Deyalsingh: Thank you. And that is a very good question. I developed

pneumonia over the past month, and my diagnosis was, it was not due to either influenza A, swine flu, influenza B. So it is very possible for somebody to develop acute respiratory distress, example, pneumonia, and die of that not caused by the influenza virus. I am telling the country, I got vaccinated, but I got a viral illness. My diagnosis when they did the rapid test was negative for influenza A, negative for influenza B, negative for swine flu, but I still got the virus, the common cold. I developed pneumonia, I could have died, but the diagnosis, the death certificate would not have shown swine flu, so there are many causes for acute respiratory distress.

2.00 p.m.

I must also note it is only this Government that is giving data on deaths due to influenza. There was no data available in 2013, 2014 and 2015. The death toll could have been thousands, we would never know. It is this Government, in full transparency, is hiding absolutely nothing from the public and to date, the death toll is 32. Thank you very much, Madam Speaker.

Madam Speaker: Member for Caroni East.

Dr. Gopeesingh: Hon. Minister, are you aware in your quest for vaccination nationally, which is important, are you aware that there is a raging controversy globally on the complications of the vaccination programmes in young children and even pregnant women as well? And as from the role of a gynaecologist, I am still to determine whether I should recommend a pregnant patient for the vaccine, because there is raging controversy for children and that, and children are getting a lot of complications from the vaccine.

Hon. T. Deyalsingh: Madam Speaker, if the hon. Member has that evidence, bring it to me. I have scoured both local and international publications. I can tell you, the Chief Medical Officer has not appraised me of any raging controversy.

The raging controversy on vaccination started in the modern era in the 1990s when Dr. Andrew Wakefield produced a paper linking the MMR vaccine, mumps, measles, rubella with autism. That was the raging controversy which gave rise to the modern anti-vaxxers and the vaccine hesitancy issue that we are forming. As a matter of fact, WHO, World Health Organization, has called the anti-vaccine movement one of the top 10 health priorities facing the world, and I am very concerned that an eminent obstetrician-gynaecologist would stand up in the Parliament and say he is discouraging his pregnant women from getting vaccinated.

Dr. Gopeesingh: I never said that.

Hon. T. Deyalsingh: I am very concerned.

Dr. Gopeesingh: I have never said that.

Madam Speaker: Member for Caroni East.

Dr. Gopeesingh: I have said that I am in a quandary as to what to do for my patients. Do not—[*Desk thumping*]

Madam Speaker: Member for Caroni East. [*Continuous interruption*] Member for Caroni East.

Dr. Gopeesingh: I know what you hear, whether you say it here or you say it outside, I—

Madam Speaker: Member for Caroni East.

[*Madam Speaker remains standing*]

Dr. Gopeesingh: I said I am in a quandary, do not misquote me. [*Desk thumping*] Do not put my integrity into disrepute. Whether you say it in here or you say it outside, I would bring you to court.

Madam Speaker: Member for Caroni East.

Dr. Gopeesingh: I would bring you to court.

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Madam Speaker: Member Caroni East. Member for Caroni East. Member for Caroni East. Member for Caroni East.

Dr. Gopeesingh: Yes, Ma'am.

Madam Speaker: I would just ask you to please leave the Chamber for a couple of minutes, and when you get yourself back into a proper—

Dr. Gopeesingh: Improper.

Madam Speaker:—to a proper—I never said improper—to a proper decorum for here, you are welcome back. Member for Naparima.

Dr. Gopeesingh: I did not say my decorum must behave bad. [*Inaudible*] I would not allow a Minister to interfere with my—

[*Dr. Gopeesingh walks away from his desk*]

Madam Speaker: Member for Caroni East. [*Desk thumping*] Member for Caroni East.

Dr. Gopeesingh: Yes, Madam Speaker.

Madam Speaker: Just get back to your seat so that I can address you. Get back and sit! Get back and sit down so I can address you.

Dr. Gopeesingh: Madam Speaker, 15,000 people voted for me to be here to ask my question.

Madam Speaker: Member for Caroni East, I am warning you that your behaviour is bordering on gross misconduct. I am sure you understand the consequences of that. I have asked you—I have asked you to leave the Chamber, compose yourself in the manner I expect of you, and you are welcome to return. Member for Naparima.

Mr. Charles: Minister, if there is a reduction in those experiencing flu symptoms, could you explain—

[*Dr. Gopeesingh remains seated*]

Urgent Questions (cont'd)

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Madam Speaker: Just one minute. Member for Naparima, I am so sorry. You will get the time. Member for Caroni East, I am on my legs and I am waiting. I will sit, I will—*[Interruption]* Member for Caroni East, something must be wrong today. All right. I am going to sit and you will leave and you will return.

Dr. Gopeesingh: Madam Speaker, I hold my integrity as a professional with—

Hon. Members: “Ooooh. What!”

Dr. Gopeesingh: It is dear to me and nobody must question that.

Madam Speaker: Member for Caroni East.

Dr. Gopeesingh: I am leaving.

Madam Speaker: Member for Caroni East.

[Madam Speaker remains standing]

[Dr. Gopeesingh walks away from his desk]

Madam Speaker: Member for Caroni East, your behaviour, in my view, amounts to gross disorder. *[Interruption]* Your behaviour amounts to gross disorder, please leave! Naparima.

Mr. Charles: To the Minister of Health, supplemental question. If, as you indicate, there is a reduction in those experiencing flu symptoms, then what explains the wait, the long wait of patients—long wait including days, to get access to beds?

Hon. T. Deyalsingh: First of all, let me say, I have no evidence that what the Member is saying is true, and the second point I want to make, where was the UNC when they were vaccinating pregnant women in 2015, 2014, 2013 and 2012? There was no quandary then, but because of this Government there is a quandary, there is a raging controversy according to them. So there is no quandary. When they were in office vaccinating pregnant women, it is not a problem. We are in office now, it is a problem. It is raging controversy. Madam Speaker, that is why

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we use the word “patriotism”, because this goes out to the international media that in the Parliament it is being said there is a raging controversy about vaccinating pregnant women. I have scoured all the literature, WHO, PAHO, CDC, CARPHA, chief medical officer, director of women’s health, not one, not one authoritative source has come to me and say, “People are in a quandary.”

Mr. Charles: Answer the question, “nah.”

Hon. T. Deyalsingh: There is absolutely no quandary. [*Crosstalk*]

Madam Speaker: Would you allow the Minister to answer or should I move on? Would you allow him or I would move on! Minister of Health, I am so sorry that the time is now expired.

ORAL ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you, Madam Speaker. Madam Speaker, there are three questions for oral answer and all three would be answered.

Petrotrin

(Details of Pension Fund)

13. Mr. David Lee (Pointe-a-Pierre) asked the hon. Minister of Energy and Energy Industries:

- A. Does the pension fund for former Petrotrin workers currently have adequate resources to meet all of its obligations and cover all benefits owed; and
- B. Has an audit commenced into the Fund and if so, when will this report be made public?

The Minister of Finance (Hon. Colm Imbert): On behalf of the Minister of Energy and Energy Industries, the answer to Part A: I am advised that Petrotrin’s pension plans can meet their obligations for at least the next 20 years. The

actuarial valuation for the three years ending September 30, 2019, are currently in progress and would provide more accurate information on the funding status of both plans. These reports should be completed in the first half of next year. With respect to audits, the annual pension plan audits shall commence shortly. Additionally, the Ministry of Finance is in the process of finalizing a contract with an independent actuary to review both plans. This actuarial review is expected to be completed in 2020.

**Niquan Energy Trinidad Limited and Petrotrin
(Status of Agreements)**

14. Mr. David Lee (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

Given that there were agreements for the purchase of product off-take on a “take or pay” basis between Niquan Energy Trinidad Limited (NETL) and Petrotrin, could the Minister state:

- a) will Trinidad Petroleum Holdings purchase NETL products in accordance with the agreements; and
- b) if the answer to part (a) is in the negative, will the new refinery owners be responsible for the purchase of NETL products?

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, the two parties involved, Trinidad Petroleum Holdings and Niquan Energy Trinidad Limited are currently in discussions and are exploring all options to satisfy the contractual obligations under the agreements in question.

**Sugar Industry Labour Welfare Committee
(Status of)**

15. Mr. Rudranath Indarsingh (*Couva South*) asked the hon. Minister of Housing and Urban Development:

Could the Minister inform this House if the life of the Sugar Industry Labour Welfare Committee has expired?

The Minister of Housing and Urban Development (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker. Madam Speaker, the life of the Sugar Industry Labour Welfare Committee has not expired. Cabinet, at its meeting held on December 13, 2018, agreed that a team be appointed to formulate the plan of action for the dissolution of SILWC. Cabinet, in its meeting held on October 31, 2019, also agreed that the term of office of the team will be extended until May 11, 2020. This extension would allow the team to complete all required task. In the interim, the SILWC continues to function, Madam Speaker.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Thank you, Madam Speaker. Minister, based on what you have just advised the House, could you inform this House if former Caroni, ex-Caroni workers are owed any sums of money outstanding by SILWC as a result of payments they made to lands under the SILWC programme?

Hon. Maj. Gen. E. Dillon: Madam Speaker, the team that is looking after the dissolution of SILWC is in fact dealing with all the issues pertinent to the former sugar cane workers and farmers. That is with respect to preparation of deeds of conveyance, preparation of deeds of leases, preparation of releases, memorandum of satisfaction, memorandum of the stats, consent for repairs, payments of debts owed to contractors by SILWC, and other matters, Madam Speaker.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Yes, thank you, Madam Speaker. Minister, are you aware that SILWC owes approximately over \$100 million to ex-Caroni workers who deposited moneys as a result of paying for lands for the VSEP arrangement?

Hon. Maj. Gen. E. Dillon: Madam Speaker, I am not aware of that.

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Based on what the Minister has said, Madam Speaker, I will urge the Minister to look into that.

**ADMINISTRATION OF JUSTICE (INDICTABLE
PROCEEDINGS) (AMDT.) (NO. 3) BILL, 2019**

Bill to amend the Administration of Justice (Indictable Proceedings) Act, 2011 (Act No. 20 of 2011) [*The Attorney General*]; read the first time.

JOINT SELECT COMMITTEE

National Statistical Institute of Trinidad and Tobago Bill, 2018

(Extension of Time)

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, having regard to the Interim Report of the Joint Select Committee appointed to consider and report on the National Statistical Institute of Trinidad and Tobago Bill, 2018, I beg to move that the committee be allowed an extension of three months in order to complete its work and submit a final report by March 31, 2020.

Question put and agreed to.

RELATED BILLS

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I have made enquiries of the leader of the bench opposite as to whether Bills No. 2 and No. 1 could be debated at the same time, and I have received an indication that there is agreement to that. In those circumstances, may I be guided as to the procedure properly to debate both Bills at the same time?

Madam Speaker: Just a minute, Attorney General. Attorney General, I think it should be circulated to you now.

Hon. F. Al-Rawi: Much obliged. Thank you, Madam Speaker. Madam Speaker,

I beg to move:

That a Bill entitled an Act to provide for the regulatory control of the handling of cannabis for certain purposes, the establishment of the Trinidad and Tobago Cannabis Licensing Authority and connected matters be now read a second time.

Madam Speaker, in accordance with Standing Order 50(1), I seek the leave of the House to debate together with this Bill the Dangerous Drugs (Amdt.) Bill, 2019, which relates to the same subject.

Question put and agreed to.

Madam Speaker: Attorney General, you may proceed, leave is granted.

CANNABIS CONTROL BILL, 2019

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I beg to move:

That a Bill to provide for the Regulatory Control of the Handling of Cannabis for certain purposes, the establishment of the Trinidad and Tobago Cannabis Licensing Authority and connected matters, be now read a second time. Leave having been granted to debate that together with Bill No. 2, which is the Dangerous Drugs (Amdt.) Bill, 2019.

Madam Speaker, cannabis is the word that features in both Bills today, and the history of cannabis is rooted in our country, and in fact in our culture. Cannabis certainly can be traced to several ethnic, religious and cultural traditions, relevant to Trinidad and Tobago, coming from Asia, Africa, the Middle East, and indeed, Europe. Prior to 1885, cannabis or ganja as it was known then, was completely legal, for medical, recreational and industrial use. In 1885, the ganja cultivation licenses ordinance was passed, imposing a license for cultivators of cannabis and tariff on their goods. The Ganja Ordinance of 1894 was passed to prohibit

Cannabis Control Bill, 2019 (cont'd)
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cultivation, sale and keeping of ganja. This new law repealed previous Ordinance, and only licensed medical practitioners were allowed to keep and sell cannabis. All cannabis at this time was imported from the UK, Venezuela and the British East Indies. The Ganja Ordinance 1899, set to repeal the 1894 law, ended up being amended to read, along with the 1894 Ordinance, in those amendments, a separation between prepared ganja for medicine from unprepared or smoking ganja.

Madam Speaker, it was in 1894—1899 that we saw coming the first bit of regulatory bit of control for psychotropic substances, those substances which actually caused—[*Inaudible*] [*Technical difficulties—no sound system*]*—Opium License Ordinance of 1879, and the Ganja Ordinance—[Inaudible] [Technical difficulties—no sound system]*—really built upon what management—[*Inaudible*] [*Technical difficulties—no sound system*]*—psychotropic substances. That Ganja Ordinance of 1915 allowed the cultivation under the director of agriculture to make very specific regulations regarding importation, packaging, sealing, taxing and sale of ganja, as well as rules for licensing and un-licensing possession limits, et cetera. The Dangerous Drugs Ordinance of 1928 repealed that Ganja Ordinance and Opium Ordinance, and that happened as a result of the first Geneva Convention, Madam Speaker.*

Madam Speaker, The Narcotic Control Ordinance of 1961 repealed the Dangerous Drugs Ordinance of 1928 and that happened as a result of the birth of the second Geneva Convention. Our present Dangerous Drugs Act, Madam Speaker, which is an Act of Parliament coming into effect in 1994, that is Chap. 11:25, sorry, forgive me, 1991, that is an Act of Parliament No. 38 of 1991. That has stood on the books of Trinidad and Tobago from 1991 straight forward. It was

amended in 1994, 1995, 2000, 2000 again, and then in 2014. Madam Speaker, in our laws people would be good in information to recount actually that our Customs Act, since Act No. 22 of 1938, our Customs Act at section 33 actually manages that no rebatement of claims can be made in respect of ganja that is imported. In other words then, this historical recount of the laws of Trinidad and Tobago proved the first submission made, that ganja, marijuana, cannabis, whatever you wish to call it, has been a feature of our society for a very long time.

Madam Speaker, the 1991 legislation actually is quite a robust piece of law, and in debating these two Bills together we seek in Bill No. 2 to amend the Dangerous Drugs Act. In Bill No. 1, to create a Cannabis Control Authority. Why do we seek to do it that way? We do so, Madam Speaker, to cleave the purposes before us. In the Bill No. 2 we are treating with the concept of decriminalization of marijuana, which we now comprehensively describe as “cannabis”. We treat with where limits are to be imposed for possession. We treat with use in a private and public disaggregation. We carve out and ensure protection in respect of children. We carve out and ensure protection in respect of the use of the substance at work or in professional circumstances. We then ensure that a systemization is applied for when offences are triggered for certain quantities under the prescribed limits. We treat with how possession in the bracket of 30 grammes to 60 grammes is to be managed. We introduced a fixed penalty system for that approach.

We also, Madam Speaker, treat with, in that law, an improvement to the laws because they have not been essentially amended for a very long time. When last amended in 2014, the advances in the law were not taken on board, some of the prescriptions for the offences are not well-organized. The offence limits are low. They still included an offensive formula in law as per the case of Barry

Francis, where a minimum sentence which ousted the court's consideration was used. So we took the opportunity to clean up the law as it has been structured by the result of the court speaking in the circumstances of what is constitutional or unconstitutional in the Dangerous Drugs Act.

We then introduced, Madam Speaker, the concept of management of community service, under the community services orders, that can be done pursuant to legislation. And, Madam Speaker, we then deal with the amendment of the Schedules to the Dangerous Drugs Act.; that is Bill No. 2. Bill No. 1 which is the Cannabis Control Authority we have cleave out of the Dangerous Drugs Act, because it would not have been proper to manage what is potentially an industry, and certainly a medical and religious factor arrangement. Medical, in the terms of medical prescription for cannabis, and religious, in terms of recognizing the Rastafarian faith as one of the faiths involved in religion. It would be inappropriate from a making-law point of view to have parked those amendments in the Dangerous Drugs Act, hence Bill No. 1. In Bill No. 1, we encouraged a licensing regime. There are several types of licences, which I would go into. Who can grab the licences? Under what circumstances? How the medicinal side of it works? How the religious side of it works? It is also married in to recent laws that we have passed, which treats with non-profit organizations, and beneficial ownership, and other structures.

So let us get—before we get into the particulars of the Bills, the two Bills, the clause-by-clause arrangements, let us get to the data which drives why we are here, because if we are looking to the constitutionality of law and its proportionality we have to speak to what is reasonable in a society such as Trinidad and Tobago, certainly within the context of what the Constitution

contemplates. These two Bills do not require a special majority arrangement. They are simple majority Bills. They do not require this arrangement because there is a licensing regime, and there is a due process management inside of it. These Bills are structured to allow for an address to the society of Trinidad and Tobago. I will say that the laws have been born from a number of perspectives. We looked to the laws of Antigua and Barbuda; we looked to the laws of Barbados; we looked to the laws of Canada; we look to St. Vincent and the Grenadines; we looked to the United Kingdom; we looked at Jamaica; we looked at the Caricom Regional Commission on Marijuana in its publication of 2018.

We then, Madam Speaker, had submissions coming from the Ministry of Labour and Small Enterprise Development, we had submissions from the Ministry of National Security, and in particular also the division of forensic sciences. We had the Minister of Health, we had the Minister of Social Development and Family Services, we had the Office of the Prime Minister, we had the prisons authority, we had the Ministry of Sport and Youth Affairs, we had the Trinidad and Tobago Police Service, we had the All Mansions of Rastafari position paper, we had the Islamic perspective, we had the Islamic Ladies Social and Cultural Association, we had the second submission coming from the All Mansions Rastafari, which I in fact just got yesterday. And, Madam Speaker, of course, we had the Attorney General.

We had the benefit, Madam Speaker, of an expert provide us with considerations. Expert in the person of Mr. Marcus Ramkissoon, and we looked at the medicinal cannabis regulations coming out of the European context, in particular, Holland and other jurisdictions, married across the several jurisdictions that I have managed. And I wish to thank profusely all of the persons that have

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lent contribution, coming from the University of the West Indies, coming from Mr. Ramkissoon, coming from Dr. Pottinger.

Madam Speaker, it is now a matter of public record that we also held several consultations. In fact, Madam Speaker, we had consultations, six of them in total, with more than 1,000 persons in all. Those consultations were led by the Office of the Attorney General, my colleague, the very hard-working Minister Fitzgerald Hinds. The Member engaged in coordinating a large amount of this work together. We ran the campaign of public consultations, and we were ably assisted by some of the persons mentioned a while ago. Madam Speaker, may I just ask what time is full time for this debate?

Madam Speaker: 2:59:53.

Hon. F. Al-Rawi: Much obliged, Ma'am. Let us get to some of the statistical information. Let us get to what Trinidad and Tobago looks like. Madam Speaker, obviously Trinidad and Tobago's law, the 1991 law, is driven by the factor coming from our international obligations. Our international obligations are in the conventions which we to subscribe to. Those conventions, of course, are well known to us. We have the perspective of the psychotropic substances across—and I will just get you for the record the correct sections of these international conventions, and then we would dive into what the local law says in relation to it as against the statistics, Madam Speaker.

So, Madam Speaker, let us look at the structures of the conventions. We have for the record the 1961 UN Single Convention on Narcotic Drugs. We have the 1971 UN Convention on Psychotropic Substances. We have the 1972 Protocol amending the Single Convention, and the 1988 UN Convention against Illicit Traffic in Narcotics Drugs and Psychotropic Substances. But what I found

interesting, Madam Speaker, in preparing the material and statistical arrangements for Trinidad and Tobago, is that marijuana, cannabis as we call it in this legislation, has been a feature which is interrupting, not only our society but our criminal justice system.

Madam Speaker, it is a fact that on average every year, the Magistracy receives approximately 146,000 cases per year. In that 146,000 cases, we have approximately 8,500 of those cases coming specifically in relation to cannabis, possession, trafficking, cultivation, or gathering. And, Madam Speaker, as a criminal management issue, the Government is on record, our legislative agenda is well known, we have already demonstrated to the world that what we propose to do is to take the 146,000 cases in the Magistracy, remove 104,000-odd of them per year, which are motor vehicle and road traffic offences. After we remove that 104,000 in or around the beginning of next year, 2020, we will also be moving approximately 26,000 cases in Magistrates' Court, which are dealing with preliminary enquiries. We intend to abolish those, all things being equal, hopefully in the month of January 2020. If you take away 104,000 and 26,000 from the 146,000, and you now look to deal with the possession of marijuana or cannabis amounts, you would find that you are left with only approximately 8,000 cases per year in the Magistracy. Forty-three magistrates in 12 courts, go from dealing with 146,000 cases to dealing with 8,000 cases under a rules-based environment in a structure.

Madam Speaker, when we look to the data, we realize that in a 10-year period we have seen a significant number of persons passed through the matrix. Madam Speaker, the 10-year period demonstrates that we have had roughly 85,000 cases in the period 2008 to 2018; 85,000 cases in the Magistracy. That results in

the odd 7,500 to 8,000 cases per year. Of that 85,000 cases, Madam Speaker, we note that almost 85 per cent of them, ranging between 85 to 87 per cent are just for simple possession of marijuana. Not trafficking. Trafficking is a 1,000 kilograms of marijuana. Trafficking is if you are within 500 metres of a school, as defined under the law, section 5 of the Act. But when you look at simple possession, approximately 85 per cent of those matters to 87 per cent are for simple possession. That means trafficking is a much smaller number, at 14 per cent to 12 per cent. Cultivation is in fact 0.6 per cent, and gathering 0.02 per cent of the cases.

2.30 p.m.

What is interesting, however, Madam Speaker, is that when we look to the people who are put on Remand, those are people who are arrested for possession; who are granted bail; who cannot access bail, are in pre-trial detention lawfully in remand conditions, that figure is alarming. Madam Speaker, I am able to tell you that that figure across the prisons is a staggering number. If we look to the period 2014—2019 alone, we have had 4,694 people remanded for marijuana; 4,000 nearly 5,000 people remanded. We are on record as saying that that represents an average cost of anywhere between \$15,000 per month to \$25,000 per month, per head, per person. And when you do the math across the period, 2014—2019, that simple aggregation we are looking at roughly billions of dollars spent on simple possession matters.

What is more troubling is the risk factor exposure. When we look at age bracketing, the vast majority of people are in the age bracket 18 to 35 or 35 to 50. Let me repeat that. The vast majority of remandees are from 18 to 35 and these remandees are being put into conditions alongside hardened, serious criminals. They are when brought before the court ultimately subjected to a fine because they

have already had pretrial incarceration and that fine is often a fraction of the money spent to actually keep them incarcerated sometimes for even only one month.

There is another troubling aspect to it when we disaggregate the ethnic distribution. We see, for example, let us take the figure of 2014 where we had 973 people remanded. The age range of our African community, in the bracket 18 to 35 was 352. We looked to our Asian range and we see none; we looked to East Indians, we see 124; we looked to mixed, we see 185; when we looked to Hispanic, we see three. When we looked to the urban arrest phenomenon and the rural arrest phenomenon we see that there is an equal distribution. It is not only an urban position. But, Madam Speaker, these statistics when compared against the disposition rates are very troubling. Because on average we are disposing of only roughly 24 per cent of cases per year. Why? There are just too many cases inside the criminal justice system hence our approach to remove motor vehicle and road traffic, remove preliminary enquiry and remove cannabis related offences.

Madam Speaker, the question right now is, where do we draw the line? Now the 1991 Act is actually a very robust piece of law as I was saying a little while ago. It is robust in particular because it had a very useful phenomenon. The phenomenon is to be found in the fact that section 4 of the current law says:

- “4. The Minister may, subject to Regulations made under section 57—
- (a) issue licences for the import, export, diversion, sale, manufacture, production or distribution, at a stated place, of any dangerous drug;
 - (b) issue licences for the cultivation, gathering or production, at a stated place, of opium poppy, marijuana, or coca plant;

- (c) name the ports or places in the Territory where”—the—“...drug may be exported...
- (d) prescribe the manner in which any dangerous drug”—may—“...be packed and marked for export;
- (e) authorise the furnishing of dangerous drugs to the master of a ship...
- (f) prescribe...records...”

So we have in section 4 the formula to treat with the licensing regime for all dangerous drugs, coca plant, obviously cocaine derivatives used in anesthesia, in medicinal application, opium, again in derivatives that way, but cannabis, marijuana, has always been capable of being treated with by any government since 1991. It was previously treated with since 1838.

When we look to this, Madam Speaker, we note that possession and trafficking of dangerous drugs is the crux of where we are. Basically, Madam Speaker, in section 5 of the Act, possession of dangerous drugs amounts to serious interruptions of your liberty and certainly fines that may be put upon you. So let us see what the law that we propose in Bill No. 2 is, and I prefer Bill No. 2 first in terms of setting the context and then go to Bill No. 1.

The first thing we do is we remove these ad hoc references to marijuana. Marijuana is defined in the First Schedule of the Dangerous Drugs Act, it is in fact at No. 3 of the First Schedule. The First Schedule is where we set out the list of dangerous drugs, the list of dangerous drugs in the First Schedule includes at paragraph 3 a definition which allows for basically—and I will actually read it into the record. It allows for the position of scientific reference to what constitutes marijuana. That is—and I am just looking for the correct page, Madam Speaker, I

will get to it in a second. That, Madam Speaker, is certainly not a definition which finds itself in the body of the Act. That definition is where we propose that we have an amendment.

The First Schedule treats with it in item No. 3. Marijuana is defined effectively in the First Schedule No. 3:

“Cannabis, Cannabis sativa, Cannabis sativa L, their preparations derivatives and similar synthetic preparations, as for example:

- (1) Cannabis resin
- (2) Cannabis (marihuana)
- (3) Cannabinol...”

And it goes into the chemical distribution of that.

That, Madam Speaker, left confusion in the architecture of the law itself. We propose in clause 4 of the Bill, this is Bill No. 2, to amend the definition section to include a definition for cannabis. We give a standard definition that is used effectively around the world right now. And, Madam Speaker, what we do by treating with that is that we then also add in the definitions that we are going to use a little bit later. We put in what a public place is:

A— ““public place””—is any—“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;”

We define smoking. We put smoking to include the various iterations including now e-cigarettes.

We also, Madam Speaker, then go to manage the use of the amendment section in the definition section, in section 4 of the Act which we do by clause 5 of the Bill, we treat to call cannabis by its proper reference. We removed the

references to marijuana and replace it with cannabis. In section 5 that we jumped to and we are looking to the law and the offences.

Clause 6 of the Bill amends section 5 of the Act and here in the first part in clause 6(a) what we are doing is we are taking note of the decision in Barry Francis, we are removing the minimum penalty prescription in law, which is 25 years, and we have improved the sentence upward from \$25,000 on summary conviction to \$250,000. There has been a movement in that position. I remind that under section 68 of the Interpretation Act, any statement of a fine or a jail term is a maximum sentence. The law is very clear, you can get anything from zero, i.e., nothing at all being applied to you up to the maximum sentence. This does not mean if you trip this you have to pay \$250,000. Madam Speaker, it means that you can get anywhere from zero upwards.

Madam Speaker, we treat with the improvement in the indictable route, because it is all dangerous drugs, cocaine, et cetera, we treat with \$1million as the maximum amount or 15 years. Madam Speaker, what we do in clause 6(b) is that we now add in where you will not be guilty of an offence. And specifically we are now adding in, that where a person has in his possession not more than 30grammes of cannabis or five grammes of cannabis resin that effectively you will not be committing an offence.

What is 30 grammes? Put quite simply, 10grammes is a pack of 20 cigarettes, 30 grammes is 60 cigarettes. Three packets of Du Maurier, or whatever cigarettes—I am not a smoker, but I can tell you, Madam Speaker, I have seen the quantity, imagine three large packets of cigarettes; that is what 30 grammes equal to. Thirty grammes allows you the ability to have no offence for possession. We, of course, take with it the resin context because you can desiccate the substance

into a more potent version and that is resin and we go with 5 grammes of resin.

Why have we taken that amount of 30 grammes? We have taken that amount on the back of statistical information coming from the forensics institute. The forensics institute tells us, Madam Speaker, that we are looking at the structures against what they are called upon to analyze. We scrub that against what the court does. We realized that anywhere under 60 grammes you are effectively under the sentencing guidelines getting only a monetary sum from the court. You are putting thousands of people in remand conditions, delaying their trial, having them come out to pay a fine, spending \$25,000 a month to keep them inside of there and exposing them to the tragedy of incarceration.

When you look to the statistical analysis coming from the forensics decision, Madam Speaker, the forensics data says, basically, that if you decriminalize you cause them not to have to investigate under 60 grammes—and that I will come to in a short second, under 60 grammes you are going to be taking away approximately 75 to 85 per cent of their caseload. Let me repeat that. By removing these limits, causing the exceptions under 30 grammes and under 60 grammes, you are removing the large chunk of the forensics work in this country, leaving them capable to actually look at more serious matters, for instance, rape analysis in the rape case, et cetera.

But, Madam Speaker, listen to this, the forensic data is quite interesting. Let us take the period 2009—2016. I asked for and got disaggregated information of dangerous drugs, cocaine and marijuana. For cocaine in 2009 both of them combined: narcotics received, 1,380 cases at forensics; marijuana, cannabis was 1,064 of those cases; cocaine was 316. In other words then, 77 per cent cannabis, 23 per cent cocaine. By liberating the analysis of cannabis you are allowing

forensics to push through the dangerous drugs of cocaine, of opium or any other substance.

I would stick a pin and say, of course, Members are made aware or are reminded that we amended the Schedules to the Dangerous Drugs Act via the Minister of National Security sign off on orders; we amended the psychotropic substances in Schedule one and Schedule two; we have included ketamine, and amphetamine and LSD in its lysergic acid form. It is a lysergic amide if I am not mistaken, I cannot remember the chemical name, LSD. We have added those in now to manage the prevalence of ecstasy and other drugs. They are now dangerous drugs listed and we prefer to have forensics focus on that kind of material instead.

The percentage figures, 2010, '11, straight up to '16 are roughly the same. It is a distribution of 80 per cent cannabis and roughly 20 per cent other drugs. We believe, Madam Speaker, that in treating with the decriminalization of substances under 60 grammes that we can get there. Now I have heard it said, I saw the All Mansions of Rastafari group writing, asking for two kilograms of cannabis to be per person, to be the lawful amount. Madam Speaker, nowhere in any jurisdiction have we found any amount beyond 56 grammes. And because there is a psychotropic substance effect we have struck the Caricom harmonized perspective, in fact, we would be 4 grammes higher than everybody else, at 60 grammes. Jamaica is at 56, Barbados is moving up to perhaps 60, I have spoken with the AG of Barbados and the other jurisdictions are managing it. In the Caricom CSME context we are looking to harmonize the output and therefore we have sought harmony in the Caricom perspective.

Madam Speaker, when we looked to the convictions, effectively in clause 6

of the Bill, we are saying that if you are caught with more than 30 grammes but not more than 60 grammes we are going—and then we deal with between five grammes and 10 grammes of resin. We are going to subject people under clause 7 to a fixed penalty route system where your first port of call will be an invitation to pay a \$2,000 fine. By a fixed penalty notice under the Summary Courts Act, a ticket will be issued to you, you have the option to challenge it, if you challenge it court under the fixed penalty route and the Summary Courts Act, the fixed penalty notice will be deemed to be a summons, you can appear at court, you can defend yourself, forensics will kick in at that point, have analysis and treat with it. So if you want to object to it you have the opportunity, if you want to pay there is a complete exculpation, they will be treated with as fixed penalty notices are, it is not a conviction.

We then ask in this Bill, Madam Speaker, the new subsection (2B), this is in clause 6 of the Bill. We say if you do not pay the fixed penalty notice or you are found guilty of an offence, because you went to court, you challenge it, it was found, it is at that point you will be subjected to the maximum penalty in (2A) of \$50,000. Remember you can get anywhere from a reprimand and discharge to \$50,000. But in (2B) we say that the court should consider the alternative of a community service order and we prescribe 30 hours of community service there. Alternate treatment, it is synonymous with the drug treatment regime that we have done for children, in the Family and Children Division regime.

Madam Speaker, we specifically say that the law will not apply to people who are in possession of four, the Bill says male growing plants. We will strike off male. This came from the recommendation of the forensics division. The fact is that the plant is grown in both male and female species, it is required for

cross-pollination and different iterant variations. The members of the public came back to us and pointed that out, we agree wholeheartedly with the submission, it would just be four plants. It can be male or female, whichever one you choose, but possession of four growing plants is what you are allowed to have under this law.

Madam Speaker, we harmonized in clause 6(f), (g), (h), (i), the improvement of the sums and penalties. In 6(j), Madam Speaker, is where we include the possession of a dangerous drug for the first time harmonizing the orders. We are dealing with ecstasy, which is methylenedioxy, methamphetamines. We have added that into the First and Second Schedules. We have dealt with lysergic acid, which is diethylamide and we deal with ketamine. So we are putting those in in the context of trafficking and possession issues because these are now very dangerous in our society.

We specifically in clause 7 say if you smoke cannabis in a public place you are committing an offence. Why? Because you are provided with the opportunity to do it in private. We are saying that, we are putting an obligation upon an owner or person with responsibility for a place to treat with the control of the environment. There is no offence for that but we are putting a positive obligation to allow you the privilege of telling people to leave your premises.

Madam Speaker, we in clause 7, that is where we add the fixed penalty regime in accordance with the law that we also allow the introduction of the payment of your penalty and the filing of your notices, you do not necessarily need to go to the court in the district. You can take advantage of the CourtPay, Electronic Payments into and out of Court Act, 2018 which as you know we passed and is in operation. That is Act No.14 of 2018.

Madam Speaker, we then, of course, get down to offences. We say that you

should not be under the influence of cannabis and do anything which constitutes negligence, professional malpractice or professional misconduct. You should not have cannabis or cannabis resin on a school bus, school premises. I am going to ask for an amendment to use the same definition that we did in section 5(8) by cross reference. You should not navigate or be in control of any motor vehicle, aircraft, ship, et cetera.

We then treat with a person who is charged under the law previously. And what we are doing, Madam Speaker, in the new section 5D as clause 7 proposes, is that we are saying look it is commonsensical and axiomatic that after you pass this law anybody who has had a conviction should have it expunged. That expunging should happen under the provisions of the Police Service Act, section 50, in particular, 50K. We also treat with it to allow you to go to the court and be discharged, we also allow you to apply for a pardon.

Now we had to do that pardon on a case by case basis because the Privy Council in the case of Lendore had said, you cannot do it en masse. So people would be compelled to apply to the Mercy Committee which exists under section 87 of the Constitution to make a recommendation for the discharge. Those will be in fact treated with alacrity. Both the Minister of National Security and I sit on that Committee, we are familiar with its pace and function.

Madam Speaker, let us jump to the Cannabis Control Bill. The Cannabis Control Bill is an interesting law. I have given you the rationale for segregating it from the position of the Dangerous Drugs Act. The Cannabis Control Bill is the law which we set up for regulatory control of the handling of cannabis and also the establishment of the Cannabis Licensing Authority and all matters connected with that.

The Bill, Madam Speaker, is 69 clauses long. But it is not anything that occupies our attention beyond what we are accustomed to. We are setting up a statutory authority, we are appointing members, we are establishing the board, we are identifying functions, we are identifying powers, we are ensuring an independent of appointment, we are ensuring what the quorum looks like. We then go in Part II to understand what their financial provisions will involve. In Part IV it is where we get to the Licensing Provisions; Part V, here is where we segue into the Medicinal Cannabis; Part VI, Cannabis for Religious Purposes; Part VII, the Registers; Part VIII, Inspections and Part IX, Miscellaneous.

Now, we premise inspections in Part IX on the back of a licence which says if you want to apply for a licence you are authorizing the police to come or the inspectors to come in certain circumstances. If you do not want a licence that is your opportunity not to have the police involved. If you were to compel the obligation of the police into the law you would require a three-fifths majority and we have not gone that route, we are asking for warranting in the standard format, due process in the standard format, conditionalities of licences in the standard format. And that is why this law does not require a special majority.

Madam Speaker, let us get to the Bill itself. In those 69 clauses, specifically the heart and soul of it is the ability to have the issuance of licences. We allow for the issuance of eight types of licences: cultivator licences; research and development licences; a laboratory licence; a processor licence; a retail distributor licence; an import licence; an export licence, and a transport licence.

We allow for five of those types of licences to be issued to a religious organization. The religious organizations must in constitution be non-profit organizations and I should say all religious organizations are going to head that

way, because that is what the non-profit organization law contemplates. Those licences which are relevant to religious organizations are: a cultivation religious licence, a dispensary religious licence, an import religious licence;, an export religious licence, and transport religious licences.

Madam Speaker, when we get to the heart and soul of the authority itself, and that is in Part II in clauses 4 to 18, we of course make sure that we provide for conflicts of interest, disclosure of interest, prohibitions against members of the licensing committee being involved in the industry via their friends, family, associates, et cetera. Madam Speaker, the authority's powers are set out, the establishment in clause 4, in clause 5 the functions effectively advising the Minister in certain circumstances and then, of course, their powers in relation to the licences to grant, amend, suspend, revoke, et cetera. We set out what the performance of their functions will involve and in the board I ask you to note that we are asking for members to be disciplined in law, management, finance, accounting, medicine, scientific research, agriculture, law enforcement, education or drug rehabilitation. And, Madam Speaker, we are saying:

- “6. (4) The President shall appoint one of the Members to be the Chairman.
- (5) A Member shall be appointed for such term...three years...eligible for reappointment.
- (6) The President”—will—“determine...remuneration...
- (8) Where...vacancy arises...”—that you can have temporary appointments.
- “7. (1) The Chairman or Deputy Chairman may...resign from”—function and fashion.

How the President may at any time revoke in circumstances set out in clause 8; the publication of the persons; the exculpation of liability for things done in bona fide circumstances without recklessness or bad faith in clause 10; how the meetings of the board would happen in clause 11; the quorum for decisions being made; the disclosures of interest in clause 14, in particular, where you must make sure that you are not engaged or employed in the handling of cannabis or have actual or contingent pecuniary interest. And we defined that right along the horizontal and vertical relationships that are common in that circumstance. We deal with the CEO's appointment in clause 15; the staff and experts in clause 16, how they may be added to, where the delegation of functions happened in clause 17.

The financial provisions are effectively stable. They are nothing that we are not accustomed too. In the circumstances here we are saying that the fund that they will use will be comprised of the appropriations from Parliament in the fees, sums borrowed, sums received, such other sums and how they will deal with these funds, the application of funds in clause 21, down to authorized investment. There is general philosophy permitted in this law to allow for support and functionality for drug rehabilitation, taking people away from it, education as to the risks of the psychotropic nature of these matters.

We deal with IFRS standards, accounts, auditing of accounts, standard section 116 of the constitution application, Auditor General. We deal with how they may invest money. The licensing provisions beginning at clause 30, in Part IV of the Bill, this is where we allow for the issuance of the licences that I have said, but the conditionalities are that you must issue a licence to:

- “31 (1) a person who—
(a) is eighteen years...or older...

- (i)” must be—“a citizen of Trinidad and Tobago;
- (ii)” or—“a permanent resident of Trinidad and Tobago; or
- (iii) ...a citizen of a CARICOM Member State, other than Trinidad and Tobago;

(b)” or be—“a company, firm or co-operative society.”

Here is where we established the local content. In the local content, Madam Speaker, you see in subclause (4) that at least 30 per cent of the company or firm or corporative society must be owned by locals. Why? The experience in the industry has been that the large players from North America and elsewhere come into the market and effectively cannibalized the market, pushing out the people with the very advocates for the cultivation and proper exploitation, I do not mean that in a bad sense, of cannabis for all of the right reasons, be they medicinal and other factors as well.

Madam Speaker, we then go in the information and licensing application regime, your rights of appeal for suspension, for revocation, your rights of management and due process for that position; how refusals are dealt with; how transferability is dealt with in clause 36; how renewal of licences happen. It is clause 39 that we treat with the enforcement actions. Notices of non-compliance, suspension, et cetera, the effect of suspension and aspects.

Clause 5 treats with the medicinal cannabis and in that we can actually treat with how we deal with prescribeable versus non-prescribeable cannabis, because it is quantifiable amount of THC that is really the element that is on test. We contemplate those limitations, the keeping of records, the strict maintenance of these substances away from children, how you treat with it in the circumstance of

persons who act on behalf of children, the risk and obligations to doctors and other professionals, vets, dentist, et cetera.

And it is Part VI which treats with cannabis for religious purposes, the religious purposes contemplate sacramental and dispensatory are obligations, how it is dispensed with, what the controls are, what the liabilities look like, how children are to be specced with.

Registration happens under Part VII, Inspections under Part VIII. The authority has an inspection programme, the inspection may take action, the inspector shall have 24 hours, et cetera, filling of a report, warrants are provided for in clause 65, Madam Speaker, so that we are keeping to the due process and not interrupting fundamental rights. The miscellaneous provisions of civil penalties in general penalties apply and, of course, appeals if you agree by decisions you apply to the environmental commission and the environmental commission shall make such order as you think fit. It is from there that you have further release as well.

Madam Speaker, as I have one minute left I will say, this has involved a massive amount of work beginning in the year 2016 go forward. Trinidad and Tobago is not a theocracy, it is a democracy. Trinidad and Tobago will never have a unanimity of purpose. There are some who say legalize; there are some who say decriminalize; there are some who say do nothing at all, enhance the functions and penalties. This is not an easy balance to be had, but commonsense tells us that it is by far past the time to make sure that the criminal justice system [*Desk thumping*] and the people most at risk are not exposed to the inevitability of just being processed through after a whole lot of time, exposed to danger for a mere fine. It is by far time that we treat with that.

I am pleased to have joined in the authorship of this work. I commend the

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hon. Prime Minister for having the courage to treat [*Desk thumping*] with this issue, it took a little bit of convincing, but he is a man that is very analytical in his approach and I take his guidance seriously at all points in time. I welcome the debate today, Madam Speaker, and I beg to move. [*Desk thumping*]

Question proposed.

3.00 p.m.

Madam Speaker: Hon. Members, you are reminded that leave has been granted for Bills No. 1 and 2 to be debated together. Member for Barataria/San Juan.

Dr. Fuad Khan (*Barataria/San Juan*): Thank you, Madam Speaker. Madam Speaker, on the outset as I start this contribution—thank you for recognizing me—I would like to indicate to you that these Bills are not as simple as they are made out to be. The Attorney General has done his discourse and the position on our side, the hon. Leader of the Opposition has indicated that she is in favour of—that the leader is in favour of marijuana for medical uses, and these Bills should be subjected to a Joint Select Committee for further assessment and continuation to have a better [*Desk thumping*] set of Bills coming to the Parliament. That is the outset I would like to make, that that is our recommendation that both Bills be sent to a Joint Select Committee of both Houses.

Madam Speaker, the hon. Attorney General spent most of his discussion indicating the positivity of decriminalization just for clearing the courthouse. Most of his presentation was done on that note, that we will have 104,000 cases, plus 56 cases, 85 cases, 85,000 cases, and it went on to say about different percentages. Madam Speaker, if that was the objective of this Bill, then, truly, he could have come with just a simple amendment without the other parts of the Dangerous Drugs (Amdt.) Bill, and a simple amendment saying, “I have come here to clear

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the courthouses and to work on the system where the disadvantaged people in the courthouse will be at least given a chance in life.”

Madam Speaker, about three years ago I called for this to happen, for decriminalization—not legalization, but decriminalization—and I am very glad to see that the hon. Prime Minister has taken it on board because [*Desk thumping*] initially he was not for it based on his utterances.

Hon. Member: Not true.

Mr. Hinds: That is not true.

Dr. F. Khan: Certain utterances.

Madam Speaker: Members, I am warning everybody with respect to Standing Order 53. Member for Barataria/San Juan.

Dr. F. Khan: Thank you, Madam Speaker. Madam Speaker, the excise taxes for alcohol in this country is predicated on the percentage of ethanol in the alcohol, and we could lump everything under “alcohol”, but when we tax it, it is based upon the percentage of ethanol in the alcohol. I make that point, Madam Speaker, because I want to say at the outset of this Bill, as we start reading the Dangerous Drugs (Amdt.) Bill, the first part of the Bill seeks to decriminalize the possession of not more than 30 grammes of cannabis. As the Attorney General indicated in the parent Act, marijuana comes from—and it is defined as cannabis sativa, cannabis indica. The reason behind that, those two genuses of the cannabis plant has the tetrahydrocannabinol Delta 9 of exactly 25 per cent and over. That is the psychotropic part of the plant.

Now, we have to ask ourselves: Is cannabis a dangerous drug or is THC the dangerous drug? What is the definition? Which one is the dangerous drug? Is it the plant cannabis, or is it the substance produced by the plant, which is the THC? And

the ones that get you high, the ones that get you, as they say, in different frames of mind, are 25 per cent and above from the female plant of the marijuana plant of cannabis sativa and cannabis indica, that is the one that produces the higher level of THC that gives you the recreational high. However, in very low doses, Madam Speaker, 1 per cent, which could be found in the cannabis oil, less than 1 per cent to .3 per cent, the same drug, THC, creates a mood-altering feeling for depressed people as well as those people who are vomiting and going through different medical problems as spasmodic contractions, neurological disorders and different mood swings and sleep problems.

However, Madam Speaker, the reason I make the point of the percentage of the THC, when you use the word cannabis, you are lumping into the whole system hemp, and hemp is not a compound that has a large amount of THC. It has 0.3 per cent or less. But hemp is used, Madam Speaker, for a lot of other things: textiles, clothing, diapers, handbags, denim, shoes, fine fabrics, industrial textiles, rope, canvas, and you go on: printing of paper, foods, hemp seed oil, hemp protein powder. It goes to oil paints, varnishes, body care, soaps for skin diseases. And when you lump the word “cannabis” you are lumping together hemp; you are lumping together CBD oil which is used for medical purposes; you are lumping together the THC part of it, which is used for recreational marijuana.

So all the Attorney General really came to this House to speak about was that the Dangerous Drugs (Amdt.) Bill is going to be used to free people from the Remand Yard, decrease the court load and then we could say that we did something. Madam Speaker, this Bill goes deeper than that. It is much deeper than that. And it speaks about not only having dangerous drugs, that is the first part about the THC part of it, and the medical part of it, it says nothing about—in fact,

according to the Dangerous Drugs (Amdt.) Bill, if you have the CBD and oils and it is more than, let us say, about, I think, five grammes or whatever it is, in your possession, and you have one gramme in your possession of the CBD oil, and you have five people in a vehicle, which is a taxi, will those people be taken down as a total of having it in a public place?

Now Jamaica—in the Jamaican legislation, they make a distinction between the Delta 9 tetrahydrocannabinol in the marijuana plant, as compared to what we are doing here, lumping it in one plant. And the Jamaican model speaks also about the same things that we are trying to do, change the system where the Remand Yard under-privileged person can be freed. Now, certain other parts of this legislation in, let us say, the Dangerous Drugs Act, Madam Speaker, you have—as I said, the real issue is, is it marijuana or is it THC? But in the smoking in a public place, what is a public place?

“‘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 with money or not;”

If you smoke in a public place you could be fined in 5A, clause 7:

“(1) A person who smokes or uses cannabis or cannabis resin in a public place commits an offence and is liable, on summary conviction, to a fine of two hundred and fifty thousand dollars and to imprisonment for five years.”

So if I am smoking hemp in a public place and a police says, “You are smoking cannabis”, which is—hemp is a cannabis plant without much THC—I could be fined \$250,000 and to imprisonment for five years. That is what it is. This is what this Bill is saying. It is not saying if you are smoking a cannabis plant with a THC of above so much, or how much grammes of it. No. It specifically says “cannabis

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in a public place”. Now a public place, according to this definition, Madam Speaker, is broad. It is so broad, Madam Speaker, that anywhere and anything could be a public place. And when we say that, Madam Speaker, you are looking at, you cannot smoke it anywhere because wherever the public has access to it, it is considered a public place.

In Jamaica, Madam Speaker, the Jamaica model speaks about a public place but they define it.

“For the purpose of these smoking rules, a public place includes a workplace and any place”—which is not—“for use of, or accessible to, the public, such as sidewalks, bus stops, restaurants, offices, educational institutions, pharmacies, hospitals, areas used by children, supermarkets and parks.”

However:

“Smoking of ganja at privately occupied residences that are not used for commercial purposes is not an offence, but is governed by...”—the same ganja rules.

Madam Speaker, if, however, you smoke in a public place in Jamaica, the police:

“A person who is found in possession of 2 ounces or less and who is...the police may issue a ticket to a person in possession of 2 ounces or less of ganja, similar to a traffic ticket and the person has 30 days to pay”—

I am looking for the part, Madam Speaker. I cannot find it. I will get it in a while. Madam Speaker, so looking at this piece of legislation where you have the difference between hemp and the difference between marijuana not defined by this high legislation, you could run the risk of a police officer taking you down and you having to pay \$250,000 and also five years imprisonment. Now cannabis resin, according to this definition:

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

Any plant means it could be coming from cannabis—the hemp, which is a cannabis plant; it could be coming from cannabis indica or cannabis sativa. There is also cannabis ruderalis, which has a very low content of THC.

Now, using the cannabis resin of five grammes as the cut-off point, it means to say that if you have CBD oil with a low THC content for medical uses and it is more than five grammes, let us say 5.5 grammes, you run the risk of being charged as somebody in possession for the same \$250,000 and five years in prison. And it goes on that:

“more than five grammes but not more than tengrammes of cannabis resin”—this is section 2A.

“Subject to section 5B(2), a person who has in his possession—

- (a) more than thirty grammes but not more than sixty grammes of cannabis; or
- (b) more than five grammes, but not more about than ten grammes...commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.”

So, Madam Speaker, looking at these small parts in the page of the amendments, you have to ask yourself if this goes through today and they pass it because it is a simple majority, what next? We are going to be subject to this level of ambiguity in this legislation and a joint select committee could flesh it out, come up with better ideas, looking at the percentage of THC, the percentage of marijuana, the 25 per cent. Because marijuana—you make CBD oil from marijuana, but the content of the THC in the CBD oil used for medicinal purposes for skin creams, et cetera,

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is less than 1 per cent. However, the recreational marijuana from the flowers and the seeds on the poppy, you get a THC level of 25 per cent and above.

Mr. Al-Rawi: Member, would you give way?

Dr. F. Khan: Sure.

Mr. Al-Rawi: Are you proposing, therefore, that to analyse which bracket that you are in, THC, who is going to do the analysis for that? Are we going to send everything to forensics, let them figure out the THC? Because the plant-like substance would have to be analysed as to its THC content. So effectively what you are proposing is, take all cannabis in Trinidad and Tobago, figure out what the percentage of THC is, and then treat with it?

Dr. F. Khan: No. What I am trying to say is that, if you have hemp—somebody who has hemp and hemp oil and hemp seeds, that THC level is not going to be high compared to a sativa.

Hon. Member: How “yuh” know what is what?

Dr. F. Khan: It looks differently. They are different.

Mr. Deyalsingh: You cannot go by looks.

Dr. F. Khan: No, no, no. And you could also—okay, THC can be analysed by magnetic resonance systems. You could analyse the quantum of it. So what I am saying to you—hon. AG, what I am saying, I understand what you are doing but the thing about it, you have gone further than where we want to go. And, Madam Speaker, through you, if you want to, really and truly, give the public a chance at the legislation, rather than en bloc it to basically clear the courts, you have to define this thing properly.

In the previous Bill that they have changed, cannabis was defined as sativa and I think indica, or one of those. They actually defined it. In the Jamaican Bill

they defined it. Now, the hon. Attorney General has just asked a question, but you lead me to another question, because if a police officer, in section—this is section 75B(2):

“Where a police officer has reason to believe that a person is committing or has committed an offence under section 5(2A), he shall issue to the person a fixed penalty notice charging him with the commission of such offence, and requiring him to pay the fixed penalty within the time specified in the fixed penalty notice.”

Madam Speaker, somebody has committed something, means it is past tense. It means to say that that person has done the act already. How could a police then determine exactly what compound was being smoked or inhaled, et cetera? You have to test it. You have to do a blood analysis of THC. You cannot fine somebody for a fixed penalty without doing a blood analysis.

Madam Speaker, if you smoke or inhale THC, the concentration in your blood goes up rapidly and drops rapidly. If you eat cookies or you eat the plant, or what may be, the concentration slowly goes up in the two to five hours and slowly dissipates. So if somebody smokes or inhales something, and you see him smoking or inhaling, how do you arrest him? By smell? Would you say he smells like it; it looks like it, so it is it? Then alcohol could be done the same way. It smells like alcohol, it looks like alcohol so you have been drinking alcohol. Forget the Breathalyzer. “Ah taking yuh dong.”

What I am saying, Madam Speaker, the Bill needs more work. [*Desk thumping*] Of course, the Attorney General wants to get ahead with clearing the court system. We have no problem with that. We agree to that. But the extension of the Bill and the other extensions of the Dangerous Drugs (Amdt.) Bill and the

dangerous drugs, et cetera, and the penalties and what you are going to do with it, and the lack of diagnosis, the lack of investigation, you cannot have that in the Bill if you want to have a committed position. The Attorney General's committed position is clear the courts. That is his committed position. The other is just addendums to it—to clearing the courts and looking at days and times.

Now, Madam Speaker, I looked up the literature to find out how do other countries determine when somebody has been smoking or inhaling, or under the influence of the THC. They have come to research papers where the THC levels in a blood is about three nanograms per ml. It is a measurable quantity of THC. Sometimes there is what they call the field test where they have you walk up and down a straight line and see if you are under the influence of a psychotropic substance. They might not know what the psychotropic substance may be, but if you are driving a vehicle and you cannot do a proper field test, it means to say that you have been in—"something wrong".

They can take you to the station and take a blood test and check your THC levels or your blood levels for alcohol. Nothing in this Bill says that. It says if you have somebody driving an automobile—where is it? Driving an automobile or—it talks a lot about fixed penalty:

“A person who—

- (a) whilst under the influence of cannabis, does anything which constitutes”—

Madam Speaker, this is section 5C:

“...negligence, professional malpractice or professional misconduct;”

And it goes:

- (b) has cannabis...

(i) on a school bus;”—et cetera.

You could determine that. Or:

“(c) operates, navigates or is in actual physical control of any motor vehicle, aircraft, or ship, while under the influence of cannabis, commits an offence and is liable on summary conviction to the fine of two hundred and fifty thousand dollars and to imprisonment for five years.”

You are now telling me that you cannot take the THC levels. You cannot tell me what were the levels of THC in that person who commits negligence, professional malpractice, professional misconduct; what is the peak blood levels? How are you going to determine that person is under the influence of cannabis? But yet you are saying here, with a penalty of \$250,000 and imprisonment for five years if you are under the influence of cannabis.

Now, you are not saying if you are under the influence of THC, you know. You are saying if you are under the influence of cannabis. What part of cannabis are you under the influence of, Madam Speaker? Are you under the influence of what percentage of cannabis THC? Are you taking CBD oil? That is cannabis. Are you taking hemp? That is cannabis. Are you taking hemp seed oil? That is cannabis. Hemp seed oil has less than 1.1 per cent of THC; no effect on your psychotropic levels. Medical CBD oil used for whatever medical ailment, less than 1 per cent of THC, but they are all cannabis-related. They are all cannabis.

So the definition of cannabis, Madam Speaker, begs the question: Are you going to subject people in this country to fines of \$250,000 and to imprisonment for five years, based on what? Based on what blood level? There is no Breathalyzer because the bio-availability and the physiology of THC, you orally

take it, or you inhale it or smoke it, it goes through the liver. It is broken down in the liver and it is excreted in the faeces. Some come out in the—not much comes out in the breath, so you cannot use a Breathalyzer. You may get some in your saliva, but it is in the blood stream. If you catch it at the right time—if you catch it, it depends on how it is inhaled or smoked. If you catch it at the right time, you could get the right concentration.

But, Madam Speaker, are you going to continue to subject the people of Trinidad and Tobago to these draconian measures based on a supposition that they were taking cannabis? [*Desk thumping*] Are you doing that? Now, you could railroad it through. It is a simple majority. But it needs proclamation and I would love to know—you are decriminalizing something. Now, we have no objections, Madam Speaker, you know. We have no objections to this Bill, but it is how it is being done and it needs further work. You cannot just come and say it is a simple majority with draconian penalties and say, well, we will pass it anyway because it is a simple majority. If the penalties were like Jamaica, where if you were found smoking in a public place, you are fined like a traffic ticket, Madam Speaker—JMD \$500. If you are fined on a sidewalk, et cetera, JMD \$500—traffic ticket. However, if you have things that are above two ounces, then that is another kettle of fish. I understand we are doing the same thing here. But when you look at it, Madam Speaker, in Jamaica they talk about hemp. In Jamaica they said:

“Hemp is defined in the DDA”—the Department of Drug Administration—
“as a ganja plant having a THC content of less than 1%.”

This is defined:

“Hemp is used to make a wide variety of products, from cloth, paper and rope to medicines, beverage and cosmetics. Hemp is excluded from the

provisions in the DDA that apply to ganja.”

It is here in the Jamaican legislation:

“However, the cultivation, processing, sale, import, export and other handling of hemp may be regulated by a licensing regime administered by the Cannabis Licencing Authority.”

So you see, Madam Speaker, they define hemp as something with a THC level of less than 1 per cent. In our legislation, Madam Speaker, it talks about a permit for visitors into Trinidad and Tobago. The Jamaican model says, if it is:

“...recommended...by a licensed medical practitioner in the country where they live.”

And they could:

“...sign a voluntary declaration to confirm this. The permit is issued by Jamaica’s Ministry of Health”—on a voluntary declaration—“and a fee is payable.”

Madam Speaker, we really need to dissect the two Bills in a Joint Select Committee. It cannot continue just because it is a simple majority.

Smoking of ganja in Jamaica:

“Smoking of ganja in a public place or within five metres of a public place is prohibited in a manner similar to cigarettes”—tobacco.

“A person who smokes in public cannot be arrested or detained. However, the police may issue a ticket to that person, who will have 30 days to pay \$500 at any Tax Office.”

That is Jamaica. It is here. [*Interruption*] I agree, but what I am saying, we are still people, Minister, [*Desk thumping*] and we need—you have Jamaican people, you have Trinidad people, you have Jamaican Rasta, you have Trinidad Rasta, and at

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the end of the day “Yuh doh want tuh hold ah Rasta, yuh brudda, in a public place and charge him \$50,000—[*Crosstalk*]

Mr. Hinds: Member, serious question. “Why yuh didn wear yuh Rasta wig today?”

Dr. F. Khan: “Ah was going to.”

Madam Speaker: All right, Members.

Mr. Al-Rawi: Hon. Member, would you be satisfied if the public place smoking was treated with by the same fixed penalty notice we have here?

Dr. F. Khan: It would make sense. But as I say, a lot more things should be fleshed out in a JSC. I mean, we could have a short JSC. JSC does no—Hon. AG is on record in today’s papers, he wants to pass it by Christmas. At least have a JSC for a week.

Madam Speaker, you see, smoking in a public place, we agree that they need to have penalties around school children, school buses, school areas, but what happens, Madam Speaker, if you are in your private residence and your child is next to you and you smoking your ganja? Is that correct? You understand what I am saying? In a private residence in Trinidad and Tobago, you can smoke, but it does not define not next to a child of a certain age, 18 years and below. It does not say that. This needs to be said here.

Madam Speaker, we also have no objections of the fixed penalty, a fixed penalty for anything between 30 grammes and 60 grammes, which is a little above one ounce and two ounces. You could run the risk of a fixed penalty, but that is if the police officer catches you with it. And I think the fixed penalty is \$2,000 and it could be paid according to what the Attorney General said, which is not a bad idea. Because we are under the impression that those quantum of marijuana should not

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be subjected to draconian penalties, because they are not for trafficking—well, basic possession, but not overt trafficking. And all these nitty-gritties of this Bill can be dug out and fixed in a Joint Select Committee of both Houses, Independent Senators as well as our House.

Madam Speaker, the Cannabis Licensing Authority, it speaks to the control of cannabis and the handling of cannabis, the issuance of licence, the people who are supposed to be on the board, et cetera, as a corporate body for regulatory control of the handling of cannabis under the Act.

Now, this is good, but this needs a Joint Select Committee also. Because, you see, Madam Speaker, there are a lot of things in this Authority that need to be fleshed out because—

Madam Speaker: Hon. Member for Barataria/San Juan, your original speaking time is now spent. You are entitled to 15 more minutes to wind up.

Dr. F. Khan: Thank you, Madam Speaker.

Madam Speaker: Please proceed.

3.30 p.m.

Dr. F. Khan: Thank you, Madam Speaker. Madam Speaker, we had the procurement authority. The procurement authority has not yet been fully workable. When I was Minister of Health, we had, I think, the National Ambulance Authority—that was a nightmare to set up—and I think they have the data authority. An authority is not a very easy thing to set up and start working, Madam Speaker—it is not easy—and this authority controls, as they say, the total movement of cannabis throughout the system. Now it goes and it talks about—in fact, this one talks about THC, Tetrahydrocannabinol Delta 9, the active ingredients in cannabis, and one of the many natural occurring chemical

compounds found in cannabis. Imagine in the authority, Madam Speaker, the definition of THC is here in bold, but it does not talk about hemp, et cetera. It just talks about the THC levels.

Madam Speaker, I just want to go to one part of it in the short time I have because this was the whole idea behind movement and decriminalization of marijuana, medicinal marijuana—medicinal use of marijuana for medical purposes. It started off—I remember that a young girl had spastic syndrome, I think it was Gaucher's disease, and no matter what she was given nothing was working, and the mother begged one of the doctors to let her try the cannabis, the medical marijuana. I mean that was basically illegal at the time in the States, and the doctors found a way through the FDA or whatever way to give it to her and the spasms stopped. This girl was getting spasms like every five minutes like a neuroleptic kind of disorder. Then it started to be used for chronic pain; then it started to be used for vomiting, and upset feeling and nausea in chemotherapy and it worked; it started to be used for children with chronic asthma and also status elliptical with constant epilepsy; and it started to be used in small quantities for sleep disorders, for depression disorders, psychological disorders.

If you understand the concept of homeopathy and Ayurvedic medicine, homeopathy uses toxic substances in small quantities to get a positive effect—toxic substances. You could use, Madam Speaker, there is something called snake venom, Lachesis, and it works very well on muscular spasms. And that is basically the whole idea about homeopathy, it works according to person's body. So what may work on me, may not work on Dr. Lee, or work on Minister across there. It would not. It all depends on how you use it. So this is the same thing with medical marijuana. It works on the same principle. It is a plant, and the medical

aspect of it is low dosages for maximum effect. High dosages, Madam Speaker, will send you into never-never land. People may say a glass of alcohol or a glass of wine will soothe some people who are feeling down, but five glasses will make them drunk and over the count. It all depends on the quantum that is being used.

So, Madam Speaker, Part V of the Cannabis Licensing Authority says in section 43(1):

“A person who uses medicinal cannabis without being authorised to use medicinal cannabis by a prescription or recommendation from a medical practitioner commits an offence and is liable on conviction on indictment to a fine of one hundred thousand dollars and to imprisonment for a term of ten years.”

Mr. Singh: Unbelievable.

Dr. F. Khan: Ten years. You are using something which is going to help you because you have nothing else to use, and you could be subjected to a fine of \$100,000 and imprisonment of 10 years. It is a bit draconian.

Madam Speaker, these are things that need to be fleshed out in a joint select committee. You see medicinal cannabis—what is the THC content of the medical cannabis? It has not even been worked out worldwide. You do not know what is the strength of the tablet, what is the strength of the pharmaceutical preparation, we do not know what strength is going to use for what, and as I said before different people use different strengths of items to get the same effect. If this lady with her child was living in Trinidad and Tobago with that status epilepticus she would have been—and she was caught unfortunately—subjected to a fine of \$100,000 and 10 years imprisonment because she used something that was thought to be useful for her baby to get better. You are subjected to this. There have to be some

sort of amendments to this, or something that you could put in a joint select committee.

We talk about a person cannot use medicinal cannabis without a certificate in writing from a medical practitioner certifying the use of medical cannabis, et cetera, is necessary in the case of that child. Madam Speaker, a medical practitioner, according to this licensing authority, is any doctor. Once you have a medical degree you could do it. Once you have a pharmacy degree you could do it. Madam Speaker, this is new research. This is new things coming up. You have to have medical doctors and pharmacists who are specialized in some form or fashion in dispensing these items, and also in knowing more about the items and the effect of it—research. And then you talk about individual dosages, 30-day supplies, et cetera.

This medicinal part of the Cannabis Licensing Authority is what the hon. Leader of the Opposition had been very interested in making sure it could happen, and we need to send this to a joint select committee so we can start working out a proper plan totally for the use of medical, not what is called marijuana, but is medical cannabis. Cannabis, Madam Speaker, has to be changed in this. You cannot use the word cannabis in both Bills because you are subjecting people to unnecessary criminalization of things that do not have the criminal effect in it. The THC is what is responsible for the dangerous drugs and also the good effects. Imagine that the same thing that was going to kill you, helps you. It depends on the concentration.

Madam Speaker, it goes on and I have written a note here, a pharmacist should not dispense interpretation where applicable, a quantity of medicinal cannabis greater than and which the parent is permitted to obtain under a

prescription, and you have to go on a prescription every 30 days. We need to start looking at the research capability of the cannabis. There is also Part VI, section 48. It talks about cannabis for religious purposes and it does not mention anything about religious organization—Rastafarian—which one you are talking about, and a person who contravenes a religious organization is permitted to handle a cannabis under a license shall not handle or permit the handle of cannabis for any type of commercial benefit, et cetera—as Jamaica has for events—and if they contravene it, \$10,000 and six months. Madam Speaker, the penalty for this thing is extremely draconian and needs to be looked at, and fleshed out in a joint select committee.

The authority is an authority that they said in definition, the preliminary Part I:

“‘cannabis’ means all parts of any plant of the genus cannabis including any resin obtained from the plant;”

Madam Speaker, when you use the word “any” and “of the genus cannabis” what you are doing is saying that this encompasses hemp. It encompasses hemp as well as the CBD, as well as all cannabis plants that have low concentrations of KAT.

“‘Cannabis material’ means—

- (a) cannabis,
- (b) cannabis resin; and
- (c) any raw materials derived from the cannabis plant;”

CDB oil for medical uses is derived from the cannabis plant and it has a THC content of 1 per cent.

Madam Speaker, these legislation need a lot of work, plenty work. [*Desk thumping*] I am not a lawyer and I could see that. We need to send this to a joint select committee, and I beg, I actually beg, the Members on other side if they could

at least convince the Attorney General that we would like to have this send for proper drafting, proper flesh out, proper assessment, and a proper Bill to be brought to this honourable House where we can move forward. We could move forward with cannabis legislation, decriminalization. We would like to see the decriminalization of the marijuana for the benefit of those who are in Remand Yard who have already served their sentences and cannot find the money to get bail to come out or whatever at their court date.

Madam Speaker, in the legislation with the dangerous drugs, after the person is released they have to apply through their attorney-at-law to the Commissioner of Police to have that offence expunged. We ask that they do not necessarily have to go through an attorney-a-law because some of them might not have the money to pay an attorney-at-law, and legal aid is a little difficult to obtain. And if that offence has to be expunged from the record, why can it not be expunged from the record when the person is being released rather than having to go through an attorney-at-law? After you are released, if you are convicted for less than 10 grammes of resin, or 60 grammes of cannabis, while they are releasing you, Madam Speaker, why can they not just expunge it out rather than you have to go through an attorney-at-law and the Commissioner of Police?

I believe that it is important to get the legislation right because it is new legislation. It is very new legislation, it has been done in different—I personally like the Jamaica model. It is not very oppressive and it gets the point across, and it talks about the ounces and whatever may be. That is a legislation that we should look at, and also the Jamaica legislation they placed the cannabis, I think, license authority in the main Bill of dangerous drug Bill rather than having a separate Bill for it and it covers the same things that we have here. It is just a matter of

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tweaking the Dangerous Drugs Bill, defining it properly and putting a proper system in place, and we do have in both Houses people who can do that pretty well rather than having it singularly here and singularly there.

Madam Speaker, with those few words I would like to thank you very much.

[Desk thumping]

Madam Speaker: Minister of Health.

The Minister of Health (Hon. Terrence Deyalsingh): Thank you very much, Madam Speaker, for recognizing me as I rise to make a contribution as we debate two Bills, Bill No. 1, a Bill entitled an Act to provide for the regulatory control of the handling of cannabis for certain purposes, the establishment of the Trinidad and Tobago Cannabis Licensing Authority and connected matters and, Bill No. 2, an Act to amend the Dangerous Drugs Act, Chap. 11:25.

Madam Speaker, I just want to give way to the Member for Barataria/San Juan for one minute because I have a lot of regard for him and I do not want to misquote him. Did I hear you say correctly, at the start of your contribution, that the Leader of the Opposition is in favour of medical marijuana only?

Dr. Khan: No. She is in favour of everything else, but most likely medical marijuana was one of the bases of the whole thing.

Hon. T. Deyalsingh: Okay.

Dr. Khan: But she is in favour of everything.

Hon. T. Deyalsingh: Great. Thank you very much. I was a bit confused because on November 10, 2019, the hon. Member for Siparia is quoted as saying that she proposes legal ganja legislation; again, Kamla proposes a brighter future for T&T, plans include decriminalization of marijuana. So I was a bit concerned and I am glad you clarified that.

Madam Speaker, my good friend, Member for Barataria/San Juan, went into a lot of details as to why this should go to a joint select committee. I want to ask the Member, when you look at the Motor Vehicles and Road Traffic Act and you look at the amendment that was made to section 70 where it says:

“...the Act is amended—

- (a) in subsection (1), by deleting the words ‘drink or’; and
- (b) by inserting after subsection (4), the following subsection:
 - (5) for the purposes of this section—

‘drug’ includes intoxicant other than alcohol.”

So what the Attorney General was telling me while he was speaking is that the issue of drugs other than alcohol being tested for in Trinidad and Tobago is already on the books, but he will reply to you in fuller detail. I just want to draw your attention to that amendment because you see it makes a mockery of the work done by forensics for decades in this country.

Madam Speaker, the member also spoke about why people who are being released have to go to legal aid and so on. I think the Attorney General was pellucidly clear when he quoted the Privy Council case, which more or less spells out why that cannot happen. So we have to rely on the Privy Council ruling that this thing cannot be done en masse. They have to be done individually.

The Member always made a lot of heavy weather about the use of medical marijuana and I want to say upfront the benefits of medical marijuana are well known, but when you are doing something novel, innovative, for the first time one must tread lightly and carefully in the medical fraternity. I will give you an example. Back in the 1960s there is a wonder drug that came out called thalidomide—[*Interruption*] Yeah, the member for Oropouche East. A wonder

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drug that came about called thalidomide, and because it was not controlled or managed in those days—[*Interruption*]

Dr. Moonilal: The common name.

Hon. T. Deyalsingh: Thalidomide is the common name—it was used for morning sickness in pregnancy and prescribed around the world. But because there were no controls on it, because there was no history of its usage, because there were no serious clinical trials, because there was no body of experience and what we call post-market surveillance after you bring a new drug to market, you know what they found out years after? Millions of babies born around the world with limp deformities. Traced to what? Thalidomide. If the world had listened and treaded lightly and carefully when we are using new drugs, I think the Member for Barataria/San Juan may wish to reconsider that.

So we have to tread lightly with marijuana because I am going to talk significantly about marijuana and pregnancy as the Minister of Health. So we have to tread very, very—and do not think that the thalidomide issue did not happen in Trinidad and Tobago. When I went to a wheelchair distribution ceremony with Hamel Janouras last year, I met thalidomide babies now in their 40s and 50s born in Trinidad and Tobago. So it is a very real issue, you must tread lightly with novel drugs.

Madam Speaker, I am going to speak on both Bills. The hon. Member for Barataria/San Juan did not speak on the Dangerous Drugs (Amdt.) Bill, but before getting there—[*Interruption*]

Hon. Member: With respect to the definition?

Hon. T. Deyalsingh: Yeah—I want to thank especially Sen. Clarence Rambharat who is the Chairman of the Legislative Review Committee. He did a wonderful

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job in chairing the committee; the Attorney General for his input; the different Ministries: the Ministry of National Security, the Ministry of Agriculture, Land and Fisheries, Ministry of Health, the Office of the CPC; and every technocrat who sat with us for many, many hours.

Madam Speaker, I will start with Bill No. 2, which is an Act to amend the Dangerous Drugs Act and the Schedules. So for the lay person listening out there I want to explain how we come up with these Schedules. You have what are called drug Schedules I to V. WHO sets out certain criteria as to what drug goes into what schedule, and it is determined by the usefulness of the drug, the propensity to cause side effects; its safety profile; its ability to cause dependency in addition, its medical usage and its psychotropic activity. So, for example, the most psychotropic addictive drug will be the most controlled drug, but how is drug scheduling done in Trinidad and Tobago?

Under the Ministry of Health we have three pieces of legislation that speaks to drug scheduling: one, the antibiotic control Act, not relevant for what we are doing here; Chemistry, Food and Drugs which have schedules for controlled drugs, for example, everybody knows the drug Valium. It belongs to a class of drugs called benzodiazepines. So Valium Ativan is a controlled drug under the schedule managed by Chemistry, Food and Drugs. Under Chemistry, Food and Drugs there are other schedules; the Third Schedule, anti-histamines. The public knows about—especially now with the flu season—Piriton, Benadryl, and all the non-communicable diseases drugs, the Glucophage, the metformin, the enalapril, and so on. That is under Chemistry, Food and Drugs. Then you have OTC drugs, example, Panadol, paracetamol. And by the way, Madam Speaker, to tell you how different countries use different rules for scheduling of drugs, do you know in the

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United Kingdom you cannot buy more than 20 paracetamol tables in a drug store?

Dr. Khan: I know that.

Hon. T. Deyalsingh: You cannot buy, but in Trinidad you could walk into a drug store and buy 1,000. You could pick up 10 bottles of 100 paracetamol of the shelf of a drug store, but you cannot go to Boots in England and do that. You can only buy 20 because of its ability to cause liver damage and it is used for suicide. So different countries work their schedules slightly differently.

We are here today to talk about the third piece of legislation, the Dangerous Drugs Act which has five schedules. The Fifth Schedule of the DDA, Dangerous Drugs Act, speaks to enforcement powers; the Fourth Schedule contains certain drugs. Let us take a drug like codeine, linctus codeine we take for a cough—that is in the Fourth Schedule—and certain precursors. Precursors is mentioned in this piece of legislation; the Third Schedule does not speak about drugs, that has to do with the Interpretation Act and enforcement powers; the Second Schedule, psychotropic drug; and the First Schedule, narcotics which is what we are here about today.

So I have painted a picture of the three pieces of legislation that touch and concern scheduling of drugs. We are here to talk about the Dangerous Drugs Act, not the antibiotics Act and not Chemistry, Food and Drugs. So Bill No. 2, that is what we here about today. Why do we need to amend Bill No. 2? Reason being, Trinidad and Tobago is a signatory to three main international drug control conventions and we have to list them for the *Hansard*:

1. The Single Convention on Narcotic Drugs of 1961 as amended by the 1972 protocol;
2. The Convention of Psychotropic Substances of 1971, which is what

we are here about today; and

3. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

—which is why we are here today.

What are some of the policy objectives, Madam Speaker? We have to update our laws as we go along. The proposed amendments aim to schedule new drugs that are currently in use in the country, both drugs use for legal purposes and drugs use for non-legal purposes like the ecstasy pills, the Green Heineken pill, another one is called the—let me give you the street name, Madam Speaker. This street name might mean something to some people. I will come to it soon, the blue something pill. So what we are doing, these legislative changes will bring Trinidad and Tobago into compliance with the control drugs as identified by the International Narcotic Control Board. The First and Second Schedules of the DDA—which I explained what it is—may be amended by Order by the Minister of Health, done; the Fourth Schedule of the DDA may be amended by Order of the Minister of National Security in accordance with section (b) of the DDA. Minister of National Security has done that. Done! The Food and Drugs Regulations may be amended by the Minister of Health in accordance with section 25 of the Food and Drugs Act, done. So we have done all of these things.

The rationale behind amending the Dangerous Drugs Act now has to do with the fact that the Trinidad and Tobago Forensic Sciences Centre has noted the presence in our landscape, especially our party landscape, of a number of psychotropic substances, plant-based substances that are now used by lots of people in their 20s and 30s, drugs which are derivative. So I have to give the chemical name, methylenedioxy-methamphetamine, and I will refer to it as

MDMA from now on, commonly refer to as ecstasy or molly, and these drugs have little or no therapeutic effect but they are used to get high.

As a result, it is recommended that these new psychotropic substances to be included in the DDA, Dangerous Drugs Act, to capture new and emerging drugs which were not previously listed. So we are updating our DDA to protect the population from these dangerous psychotropic drugs. Further, the psychotropic substances such as ketamine, which is used in both human medicine and veterinary medicine, can be abused. So we have to reschedule that. We also have to reschedule methamphetamines and another class of drugs called cathinones. Cathinones are a plant-based drug, but is now synthetically made. Unfortunately, it has little therapeutic action, but significance psychoactive and addictive features. It resembles something called ephedrine. Everybody knows what ephedrine is. It stimulates you. So we have to bring in all these new drugs into the DDA, and that is why we are here today.

Madam Speaker, science and especially the illegal part of science has a way of outstripping legislators. We now have to include in our DDA amendments Dangerous Drugs Act amendments, something called analogues of drugs. What is an analogue of a drug? You can have a drug, let us take for example, fentanyl. Fentanyl right now is causing a massive opiate crisis in the United States. People are dying by the hundreds of thousands. But what the drug pushers do to get around how fentanyl is classified, they tinker with the molecule and derive something called an analogue. Is the basic molecule, but they add a chain here, add an atom there, but it is chemically and psychotropically similar to fentanyl. But if you only list fentanyl on the DDA and do not include its analogues, in the future you will have to come back to Parliament every two days to amend the Act

to include a new analogue which is making the party circuit.

So what we have done under the proposed amendments is that the first schedule of the DDA, which is the most controlled schedule of the DDA, will now include analogues of fentanyl. Unfortunately, fentanyl is often mixed with drug like heroine and it is a serious public health concern in the United States. As a matter of fact, it is an election campaign issue in the United States. So that is why we are including analogues and the public needs to understand that.

What we are also amending in the Second Schedule—the last time this schedule was amended was in 1991, has not been amended to date. This schedule will now include MDMA, which I spoke about earlier, and other psychotropic substances to include ecstasy, ketamine, cathinones, and now for the street name which the public might find amusing, Blue Punisher pill—whatever that means—and Green Heineken pill. That is the street name—I see my leader—I did not look at you when I said it. I just mentioned it. So Blue Punisher pill and the Green Heineken pill, the chemicals used in that will now be tracked in the proposed amendments to the Second Schedule. So we are here to really protect the public from itself by amending these Schedules.

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We are amending the Fourth Schedule by including six substances and I will go them slowly for the Hansard: ANPP², APAAN, APAA, NPP2, PMK glycidate and PMK glycidic acid. These are all drugs which are controlled internationally and it is being proposed for inclusion under the Fourth Schedule. When we do this, we will be compliant with our 1998 INCB, International Narcotics Control Board Convention, which we are a signatory to, which I started off my debate on.

Why is this important? These drugs are what you call precursors. What is a

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precursor? A precursor is a drug which you can use to make a narcotic as a final product so the actual precursor might not be the narcotic but you do not want the illegal drug traffickers to get hold of the precursors, so we are including precursor chemicals in all of this. So that is where we are as far as my contribution for the past 15 minutes to deal with the amendments to the Dangerous Drugs Act. I hope I have been clear. I gave the three pieces of legislation under the Ministry of Health which deal with drug regulations, Antibiotics control Act, Chemistry, Food and Drugs and Dangerous Drugs Act.

Madam Speaker, I now turn to the other piece of legislation which is the piece of legislation to set up the regulatory authority. The issue of cannabis—its use, pros, cons—is a very emotive one globally, it is a very emotive one amongst the scientific community, researchers, policymakers such as ourselves, activists—and I see we have some in the Gallery—religious leaders. It is a very controversial topic. And as the AG said, you cannot please everyone with this piece of legislation because everybody has a hardened view which they can support. But we as policymakers have been looking at this, as the AG said, since 2017.

So what are we here to do today? We are here to look at several things under the piece of legislation. Medical marijuana, so let us talk a little bit about that. There is no doubt that medical marijuana has now found its way into mainstream medicine. There is no doubt there are serious benefits to be had. For example, in the management of chronic pain, in the management of nausea and vomiting in patients undergoing chemotherapy, in the management of seizures, in the management of eating disorders, in the management of tremors. Absolutely no discussion about that, it has been proven.

However, the public needs to understand that we are grappling with an issue

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that is engaging policymakers around the world, and I just want to take off where my friend from Barataria/San Juan left off. We speak about cannabis sativa and cannabis indica or any of the newer varieties. So there is a new variety called Charlotte's Web. Charlotte's Web is that variety which a young girl, Charlotte—I forget her surname now—is using to manage her seizures.

Hon. Member: Figi.

Hon. T. Deyalsingh: Figi. This young girl will get a seizure almost every five minutes and there is a video of her and it is distressing. No parent wants to see their child like that. And there was a group of five brothers in Colorado who they went to and they formulated a blend of CBD now named Charlotte's Web after Charlotte Figi.

So when we are talking medical marijuana, we are not necessarily talking about TCB which gives you the high, which is psychoactive. [*Crosstalk*] THC, sorry. We are speaking about CBD mainly which is non-psychoactive and where the majority of the positive medical benefits are to be derived. You also have CBN, we are not going to go down that road as yet, irrelevant for this debate. What is happening now is that there are more and more clinical trials being done on derivatives of CBD that are coming to market. For example, I gave you the example of Charlotte's Web to manage that girl's epilepsy. There is now for the first time an FDA approved drug called Epidiolex. But I want people to understand that medical marijuana and its positive uses, just like I gave the example of thalidomide earlier, we should not jump on the bandwagon and think it is a cure-all for everything and we go down the road of medical marijuana. It needs more research, it needs cautious use and that is why the legislation is crafted the way it is.

So my friend Barataria/San Juan would have mentioned the 30-day limit. I do not want to have in Trinidad and Tobago the equivalent of thalidomide babies being born if we do not manage how we use medical marijuana. I do not want that. I do not want that because I have seen first-hand thalidomide babies in Trinidad and Tobago who are now 40 years old and 50 years old with no arms and no limbs. Let us not go down that road. So Epidiolex which is used for limited—approved for limited, this is the keyword, limited—usage in two serious types of epilepsy: Dravet syndrome and Lennox-Gastaut syndrome. They are not a cure-all for all types of paediatric epilepsy. That is the caution I want to put out into the public domain as Minister of Health.

Madam Speaker, I now turn to the issue of pregnancy and medical marijuana and I want to rely on what I said earlier about thalidomide and pregnancy and thalidomide babies born in 1960s who are still alive today. All pregnant women, all doctors should be cautious when they are prescribing any drug to any pregnant woman, whether it is cannabis, whether it is Fenobarb, whether it is paracetamol, any drug needs to be taken with caution in the pregnant women.

For example, you do not give a pregnant woman aspirin, you do not give a pregnant woman ibuprofen which is an OTC painkiller. You do not give a pregnant woman thalidomide, it is here, because it can have serious consequences for the baby because these drugs cross what is called the placenta and get into the baby's blood stream and stunts growth, both physical growth and neurological growth. So the same caution that we apply to aspirin, the same caution that we apply to ibuprofen is the same caution I am applying to cannabis and pregnancy. This is not a free-for-all to smoke cannabis whilst you are pregnant. It is not.

And why do I go down that road, Madam Speaker? Just for illustrative

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purposes, alcohol is freely available but women are not supposed to drink alcohol while pregnant. Why? Because you could get something called foetal alcohol syndrome. What is foetal alcohol syndrome? It causes brain damage and the babies are born with peculiar facial features as the Member for Barataria/San Juan will know, and physical defects. The point again I am harping at is that if and when this legislation is passed, doctors and mothers have to be very, very careful and cautious with it. So the same way we advise people not to smoke and be pregnant, not to drink alcohol and be pregnant, it is the same caution with marijuana and pregnancy.

Because the Minister of Health—I am coming to my responsibilities under this piece of legislation now. A piece of research, pregnancy in marijuana and other potential drugs of abuse, worldwide—I have no data for Trinidad and Tobago, we do not have any, I checked. But worldwide, there is a 2 to 5 per cent use of marijuana in pregnancy. That is a lot. It may sound low but it is a lot. And babies born to mothers who use marijuana, the risks to the babies are: increased still births, increased premature births, smaller babies because they do not grow well in the womb—

Mr. Singh: What is the source?

Hon. T. Deyalsingh:—WHO—behavioural problems. Risks to mothers: permanent lung injury, dizziness, impaired judgment. In Trinidad and Tobago—and this is the data I have for Trinidad and Tobago now—we started something called a perinatal information system. What we have found in Trinidad and Tobago with smoking cigarettes, is that we have 6.6 per cent usage of cigarettes among our pregnant population in the first trimester and illicit drug use of 3 per cent in the first trimester. That is too high. Smoking, 3.5 per cent in the third

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trimester; illicit drugs, 1.9 per cent in the third trimester. And listen to this one, alcohol. Trinidad women use alcohol 4.7 per cent in first trimester and that is where the problem is. So I am urging people, the same caution as Minister of Health I put out for not smoking cigarettes, not using alcohol while you are pregnant is the same caution I put out for marijuana. All right?

Madam Speaker, I now want to get to the Bill and what the Bill confers upon the Minister of Health as the line Minister for the authority. So Part II of the Bill speaks to the Trinidad and Tobago Cannabis Licensing Authority. I would not read out the whole thing, it is there, clause 4:

“There is established a body corporate to be known as ‘the Trinidad and Tobago Cannabis Licensing Authority’...which shall be responsible for the regulatory control of the handling of cannabis in accordance with the provisions of this Act.”

And it goes on to list all the functions in clause 5, from (a) right down to (m). The part of the Bill I want to go to which deals directly with the Ministry of Health is this. If we go Part V—

Madam Speaker: Hon. Member for St. Joseph, your original speaking time is now spent. You are entitled to 15 more minutes to wind up your contribution. You may proceed.

Hon. T. Deyalsingh: Thank you very much, Madam Speaker. It is medical cannabis. I have spoken about medical cannabis. The part I want to speak about in the Bill—and I spoke to the AG this morning—this Bill ought not to be proclaimed until certain measures are put in place by the Ministry of Health. That is the control Bill. So under medical cannabis, we have to educate doctors and pharmacists and I think the former Minister, Barataria/San Juan Spoke about that.

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We have to adhere to some guidelines. There are guidelines out of Australia, the Queensland Health Guidelines as to how you prescribe medical marijuana. We also have to look at other guidelines. Globally, the gold standard for prescribing guidelines is something called the NICE guidelines, N-I-C-E, National Institute for Health and Care Excellence I believe it is, and that is what we have to train doctors now on, on how to prescribe medical marijuana.

How do we register a medical marijuana product that falls under the Ministry of Health? I would have given the three pieces of legislation earlier—Dangerous Drugs Act, Antibiotics Act, Chemistry, Food and Drugs. I am advised by the Chief Medical Officer and the Legal Department at the Ministry of Health, if it is that we are registering a narcotic or a psychotropic substance, for example, one that contains THC, that falls under narcotics, that goes to the drug inspectorate for registration. For comparators, this will include drugs like morphine. So we will treat the psychoactive part similar to how we treat morphine. If, however, I am advised, it is the non-narcotic derivatives like CBD, Epidiolex which I spoke about earlier and its derivatives, that goes to Chemistry, Food and Drugs. These systems are already in place. I am advised by the Chief Medical Officer. So that takes care of Part V in summary.

The other part which deals with setting up of the authority, if I could use the analogy to the Children's Life Fund, when we set up this authority, we are going to have to appoint a board, you are going to have to appoint a CEO, you are going to have to develop a business plan, we are going to have our operational buildout. Because what we do not want is what happened with the Children's Community Residences, Foster Care and Nurseries Act, which was passed by the UNC, passed by Anand Ramlogan, did not do the necessary work and when he went into

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Opposition, he sued the State because the children's homes were not ready. We are not going to do that. So the authority and all the licensing provisions have to be set up by the Ministry of Health first. So we have to set up the authority, appoint a board, appoint a CEO, work out our organizational structure, our processes, systems, logistics and enforcement, and the Ministry of Health will be the line Ministry for this. So I anticipate that the Minister of Health is going to become a very popular person when this happens.

So, Madam Speaker, in the few minutes I have left, I just want to recap what I tried to convey to the population. We are debating two pieces of legislation side by side. One, amendments to the Dangerous Drugs Act. I gave the country the landscape on how drugs are registered under three pieces of legislation. I gave the rationale for amending the Dangerous Drugs Act. A lot of it has to do with public protection against the use of these party drugs, ecstasy, "Green Heineken pill", "Blue Punisher pill" and all of these things. I gave the rationale why we have to include the word "analogues" because you do not want to come back here when you are outsmarted by the drug pushers when they take a drug, make an analogue which is really similar by changing a molecule and have to come back to the Parliament to amend to put that new drug. So we have hopefully worked around that by including the word "analogues" in the legislation.

I am very, very pleased to be part of this Government that has seen it fit to bring to the population a piece of legislation and I want to echo the Attorney General here because I believe it. This piece of legislation will not please everybody. It will not. There will always be somebody who says "coulda, woulda, shoulda", we should have done this way, we should have gone that way, we should not have done that, we should not have done this. But it is a piece of legislation,

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which I think, out of the four consultations that the hon. Attorney General and hon. Fitzgerald Hinds would have had, I went to two. I went to the one in NAPA and I went to the one in UWI. They were very constructive. As the Attorney General said, over 1,000 people would have participated across the consultations—*[Interruption]* And yeah, with a whole year of consultations. It is piece of legislation, I think, whose time has come. The Prime Minister and the Cabinet are to be congratulated. And, Madam Speaker, I recommend this piece of legislation to the country and to our friends opposite. Thank you very much. *[Desk thumping]*

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Madam Speaker. I just wanted to ask two questions. If the Minister is able to answer, I would be happy; if not, I will just proceed. The first one is whether the Chemistry, Food and Drugs department is fully operational and then the second one is, given the things that you have to do and given your caution about proclaiming a Bill too early, when do you anticipate that this Bill will be proclaimed, especially the one that has to do with the establishment of the board.

Mr. Deyalsingh: So the matter of proclamation will be dealt with by the AG. On the issue of the Chemistry, Food and Drugs, you may remember when I became Minister of Health, the Chemistry, Food and Drugs was shut down. There were OSH issues, the building was decrepit. We are working towards the functioning of Chemistry, Food and Drugs by January. We have spent millions of dollars to refurbish. But the issue of testing—and this is important—not because Chemistry, Food and Drugs is non-functional does that mean that testing of drugs does not take place. It takes place at the Forensic Centre and we could always send drugs abroad to CARPHA in Jamaica for testing as we have done. So the public interest

is preserved. Thank you.

Dr. B. Tewarie: Okay. So it is not functional right, but testing can take place and the AG will say when the Bill will be proclaimed.

Now, Madam Speaker, there are seven very important components of this Bill. First of all, there is the issue of the decriminalization of possession of 30 grammes or less of cannabis, or five grammes or less of cannabis resin. That is to say, I am on the Dangerous Drugs (Amdt.) Bill. The Bill also allows for cultivation of up to four male plants. The AG has indicated now that it will be any kind of plant so that issue has been resolved. It imposes a \$50,000 fine on someone who is in possession of over 30 grammes and less than 60 grammes of cannabis but there is no criminal conviction or criminal record. This also goes for 10 grammes or less of cannabis resin.

So while the 30 grammes is allowable, over 30 grammes results in a possible charge and fine if you contest. As the AG pointed out, you can get a ticket and pay \$2,000. But if you contest it and you are found to be wrong, that is to say guilty, you can get up to \$50,000 as a penalty. A person with a previous criminal record for such crimes can have his conviction expunged and be granted a pardon. That is a good thing and the AG made that a particular issue when he spoke. And the Member for Barataria/San Juan pointed out that that seemed to be the principle driving reason behind it.

There is another one and I will refer to it. So that is one of the things that this Bill will achieve. It also adds—and this is the fifth issue that it covers—other dangerous drugs like LSD, ecstasy and ketamine with stiff penalties for violations and the Minister of Health spoke to that. Sixth, you cannot smoke cannabis in a public place or have it in your possession because that is now a breach of the law

and you cannot have it with you or smoke it in front of children. So these are the seven areas, Madam Speaker, that are covered by this law. All right?

Now, I am happy to see cannabis possession decriminalized. I think it is a good thing. As the AG said, as the Minister of Health said, it was long in coming because a lot of people have gone to jail for having one ounce of marijuana in their possession and as this legislation attempts to do, all of those people now, will now get a reprieve. But there is something about this Bill that is bipolar, I find, all right, which is to say that while it attempts to decriminalize marijuana on the one hand and to address the issue of large numbers of people in prison who would have obtained a criminal charge because of an ounce of marijuana in their possession or a joint, you also have in this Bill, Madam Speaker, some very, very heavy penalties and some really draconian interventions on the part of the law. That is why I say it is bipolar and I think the clarity that should inform such a Bill, notwithstanding the issue of balance which the AG mentioned, you know.

When I was walking into the entry door of the Parliament building, there were people outside saying “No to drugs” and “No to marijuana”. Okay? So that is one position that you might articulate on one extreme and there are those, of course, who would like to see a total end to the prohibition era in marijuana and therefore advocate for the legalization of marijuana. So that there are extreme positions and what the AG has done is to try to find, as he said, a balanced course and to find a middle ground to which we have no objection but I think in doing so, the clarity and perhaps some precision that was needed to achieve the balancing act, was not there or certainly did not manifest itself in the Bill.

Now, I do not know why you would want to charge someone \$50,000 for possession of more than 30 grammes of marijuana. So I want to go to the other

Cannabis Control Bill, 2019 (cont'd)
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thing, which is that when the AG talked about the Bill, he talked about the fact that the prisoners cost \$15,000 per person per day—not per day, sorry, possibly per—no. Was it per month? Anyway, he used the number of \$15,000 to feed and basically house them and he talked about the billions of dollars that that ran up. He also talked about other things in financial terms and I want to ask if part of the thinking behind the Bill was to create a revenue generating measure, you know? And if that is the case, I do not think that this Bill or this issue is the place to do it for these kinds of crimes. [*Desk thumping*] Either you decriminalize and you open the system or you do not touch the decriminalization issue.

Madam Speaker: Hon. Member for Caroni Central, it is now 4.30 so I suggest that we take the break now and you will continue after the suspension.

Dr. B. Tewarie: Sure.

Madam Speaker: Members, it is now 4.30. This House is now suspended for tea. We shall return at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker: Yes, as we resume after tea, I will recognize the Member for Caroni Central. [*Desk thumping*] You have approximately 21 minutes of your initial speaking time and you have your additional 15.

Dr. B. Tewarie: Thank you very much, Sir. Much obliged, Mr. Deputy Speaker. I was saying that the bipolar nature of the Bill is reflected in the attempt on one hand to decriminalize for a small amount, 30 grammes, and to punish even when it is less than 60 grammes. And as we see later, some of the penalties are much harsher. So a 50,000 fine is the being levied against someone who has between 30

and 60 grammes of marijuana. And I asked the question if this was a revenue-generating measure.

And this is compounded by the fact that if you cannot pay the fine, all you are asked to do is to give 30 hours of community service. I mean, I find that—I do not know. To me, it does not make sense. And I know the Attorney General has indicated that you can now have, not just four male plants but any four plants because the whole point of allowing people to grow marijuana was to give them the opportunity to grow their own weed in order to get high, and the male plants would not do that.

So, that raises the question of what was the point, and if these consultations took place, a thousand people he said and one year's worth of consultations and four principal consultations, did the issue of the male plants come up in the consultation or was this advice given there or not? So, perhaps for our benefit, since there is going to be some controversy about the Bill, as there always is for this, which is why we are saying, Mr. Deputy Speaker, that we should take this matter to a joint select committee, and I support my colleague from Barataria/San Juan in this particular instance. I think we can trash it out, because we would be supportive of any genuine attempt to decriminalize and to bring some kind of order and system and structure to the management of the marijuana industry in Trinidad and Tobago.

So, perhaps the Attorney General can let us have, as a beginning, the consultation documents so that we can see whom you consulted—I know you mentioned some names and some institutions—and what they said. I think that would be important.

And when we take this fixed penalty notice to be issued by the police, how

are they going to measure and weigh the marijuana in a person's possession? I mean, is that going to be by conjecture? Is it going to be—are they going to carry a scale? How are they going to measure? Are they going to take them to the police station and measure it there? Because, I mean, the whole point behind this is that you do not want to treat it as a criminal activity. And how will the police determine whether someone is, let us say, under marijuana intoxication while driving? How are they going to administer the test or determine that the person is under the influence of marijuana, so to speak, or intoxicated by marijuana?

I think some of these things—I understand the need and then clearly if you make a law you do not want it broken. And if you have a law, you want it enforced and applied. But how are these things going to be done? How is the law going to be managed and enforced except for possibly public spaces and places where children are present? And even there, there might be issues. And I notice that the Minister will designate those public places and bring the matter to Parliament, Mr. Deputy Speaker.

And what is a private place? Is a private place your home only or a gathering in a private home? Or are we going to have a situation where, through the licensing process, we can licence business establishments or private clubs or things like that in which people can freely smoke in those particular jurisdictions? I do not know. I am only asking for clarification and clarity on these matters. So, in other words, is it your home and somebody else's home or so? Or can places be designated private places? And how are you going to get marijuana to such a private place, even if it is your home, without walking through or driving through public places?

Mr. Hinds: Thirty grammes.

Cannabis Control Bill, 2019 (cont'd)
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Dr. B. Tewarie: And would that then make you at risk, Mr. Deputy Speaker?

Mr. Hinds: Thirty grammes. You can carry it.

Dr. B. Tewarie: You can carry 30 grammes anywhere? Okay. So that is clarified.

Mr. Hinds: Or 60; you have 60.

Dr. B. Tewarie: Now what this—

Mr. Deputy Speaker: Please, Members.

Dr. B. Tewarie: What this Bill makes provision for, Mr. Deputy Speaker, is the recreational use of marijuana. But it never says so. There is no place in the Bill that speaks about the recreational use of marijuana. All right? It never says it is allowing marijuana for recreational use. It deals with possession. Okay? And it does mention the word “smoke” and it gives an explanation of what smoke is, but it does not say that this Bill allows for recreational use or whether there is a limit or not and how you administer that.

So this Bill does not legalize marijuana. It decriminalizes it in a limited way, and by limited way I mean that it does it for 30 ounces, but everything above that is an offence; whether it is a light—*[Interruption]*

Mr. Singh: Grammes.

Dr. B. Tewarie: Thirty grammes sorry; whether it is a light sentence, so to speak, a light penalty, or whether it is a heavy penalty.

So, in my view Mr. Deputy Speaker, the Bill is not what it advertises itself to be, and I do not think it is—I do not think what people expected it to be is what it is. So, I wait to see how this is going to pan out. And again, I add to the call made by my colleague for it to go, this Bill to go before a joint select committee.
[Desk thumping]

Cannabis Control Bill, 2019 (cont'd)
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Now, it does allow for possession of up to 60 grammes of marijuana and 10 grammes of cannabis resin. All right? It calls for this not to be a criminal offence punishable by prison. All right? And I guess that we can concede that that represents some progress because it is not a criminal offence. But you do pay a fine. So although it is not a criminal offence, it is still against the law up to 60 grammes, that is to say between 30 and 60 grammes.

Now, we then get into the second Bill, which is a Bill:

“to provide for the regulatory control of the handling of cannabis for certain purposes, the establishment”—in—“Trinidad and Tobago”—of the—
“Cannabis Licensing Authority and connected matters.”

Right? So this establishes the TT Cannabis Licensing Authority. It has regulatory control of the handling of cannabis and it is for religious and medical activities.

Now, as I said the word or the term “recreational use” is not mentioned in this Bill. All that is mentioned is religious and medical uses. So I think, perhaps, we need to have some clarity on this particular matter and the question does arise: Is it for religious and medicinal activities only? So an authority is created and it comes into force by proclamation, and then of course with that you need regulations. And I want to ask the Attorney General if the regulations have been prepared. Are they?

Mr. Al-Rawi: Yeah.

Dr. B. Tewarie: All right, okay. Now, what this entity, that is to say, this authority, is responsible for, is to regulate the handling, all right, of everything related to marijuana, and the AG read it out. He mentioned the things that it is meant to do. So handling is what you might call an all-encompassing role, all right, and it kind of takes on its own personality in the Bill; this business of

handling and managing the process of marijuana from cultivation to possession. It can licence, it can exert control, it handles.

Now, in the Jamaican law, both hemp and ganja are mentioned separately and are regulated for. And they make it clear that it is for medical uses, scientific purposes and therapeutic purposes. Okay? We have medical and religious in our law; this Bill before the House. So these things are not clearly set out in the Bill, although medical, therapeutic and scientific can be said to be covered if you read all the clauses carefully. But, as I said, perhaps in other Bills they are much more clear, much more precise, about the way they go about their business. Perhaps there is a reason for the way the matters are presented here. And maybe the AG can elaborate on that.

Now, with the passage of the Dangerous Drugs (Amdt.) Bill, if we pass that Bill, the demand for marijuana, in my view, is going to increase and citizens will have access. And if tourists come to Trinidad and Tobago, they are going to want access. Now, business and commerce, it seems to me, can only take place when the board is established, when the Bill is proclaimed, when regulations are approved. And that is why I asked the Member for St. Joseph, because he raised the issue of putting all of these things in place and how they take time, and you cannot do these things before they ready; when the proclamation would take place. Because that would determine when commerce takes place, when businesses can be established and when an industry can begin to take off. And that can only happen when the infrastructure is intact, and I suspect by what both the AG and the Member for St. Joseph said, Minister of Health, that proclamation will only take place when everything has been put in place and the institution is ready to conduct its business.

Now, I want to ask some questions that I hope the AG will consider pertinent questions. All right? Who can plant marijuana under this Bill? Okay, and I understand that it will only happen, it will only be able to happen, after the Bill is proclaimed and the institution established. Who can sell marijuana under this Bill? If I am a marijuana smoker, how do I get my herb, so to speak, without committing a crime, without growing my own plants? How do we get commerce and industry going, Mr. Deputy Speaker? When will the Bill be proclaimed or how long will it take for this Bill to take effect? What is the public policy position that this Bill is trying to achieve for the management of marijuana as it is identified here as a dangerous drug? Okay? Because I think it is important, the public policy position. The Attorney General mentioned the balancing act that has to be achieved. And therefore the articulation of what that public policy position, I think, is important.

The other thing is that—and the Minister of Health hinted at it—what do you think will be the social consequence of what the Bill is seeking to do and what ultimately might accrue from the development of an industry here in Trinidad and Tobago, whenever that can start with the proclamation of the Bill? And have those social consequences been taken into account?

Now, the Minister may well get up here and say they have thought through all of these things and they have thought through everything very carefully. But we also know that they thought through Petrotrin carefully and the hundred dollar bill. So, I want some clarity about, if they have thought through the public policy position on what they are attempting to achieve and what do they anticipate might be the social consequences of this which we need to manage. Because there is a clause in here that addresses the issue of intoxication on the job and intoxication in

driving.

Now that happens now with alcohol. There is no thing. But what happens with the alcohol is that the alcohol is meant to be used as an individual privilege or choice and one knows that you are not supposed to come to work intoxicated. And I imagine in the office, or on the job, or in the factory, the company can indicate what its policy is and deal with it and the company. And if you are driving and you are intoxicated, there is a Breathalyzer that will tell the police whether or not you should in fact be charged. All right? So I want to raise this issue of public policy and the social consequence.

And what are the likely economic prospects? There are two sides of this. One is the business side in which you create an industry and you build commerce and you possibly create jobs and create an industry here that might be capable, not just of serving the local society but create export products. But there is another side which is the—it would be reasonable to address the productivity question and the productivity issue as well. There might be two sides to this issue of economic prospects and economic consequences.

What are the leveraging opportunities that we are creating by getting into the marijuana industry at this stage? I mean this is fairly well established in certain countries; certainly in certain states of the United States. And, therefore, we need to understand from the AG what they anticipate in terms of business opportunities. Because the issue of business opportunities and involvement in the industry is raised in relation to the board and the fact that board members should not have a pecuniary or a shareholder interest in any business having to do with marijuana. And I have a different point of view on that. I will raise it. What are the benefits and liabilities, therefore ultimately, I am asking the AG, of this legislation?

Cannabis Control Bill, 2019 (cont'd)
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Because I think he owes it to us to tell us what the public policy issue is, what the social consequences are that they anticipate. And, therefore, what are the plus and minuses at the end of the day, as he asked us to support this Bill. And as I said, we are not yet ready to support this. We want it to go to a joint select committee.

Managing a—

Mr. Deputy Speaker: Hon. Member—

Dr. B. Tewarie: Yes.

Mr. Deputy Speaker:—your initial speaking time has expired. You have an additional 15. Care to avail yourself?

Dr. B. Tewarie: Certainly, Mr. Deputy Speaker.

Mr. Deputy Speaker: Proceed.

Dr. B. Tewarie: Now, we are managing here a controversial issue in a society of multiple interests. Some people are totally against intoxicants of any kind. Will this particular legislation curb the marijuana drug trade, and if so how? You see this is a problem that is bothering me about these Bills. Because I see the opportunity for recreational marijuana use, although it is not stated like that. I see the opportunity for social engagement with marijuana. I see the penalties, but I do not see how the drug trade in marijuana is going to cease because of this legislation. And I think the AG needs to explain to me how that, or explain to the House or the people, how that is going to happen. Because, as you know, marijuana is often used in bartering in relation to other bigger and heavier intoxicants. All right? So they are traded, for instance, so that you could buy cocaine. All right? So I want to understand how this will bring an elimination to the marijuana illegal trade in drugs if what we are doing here is decriminalizing.

Now alongside that, can legitimate marijuana-based businesses develop from

this? All right? Because the answer may very well be that we are going to be establishing a legal business and will the legitimate marijuana-based businesses develop from this, and would taxes make a difference? Does the Government anticipate that taxes would make a difference to Government revenue? And the reason I ask that is because there are clauses in this Bill which say that the Government will support the institution that they are creating, the control board, so to speak.

And I can see them making a provision, as the Government, for it to establish itself and get going. But if they are going to license a spreading and growing marijuana business and make money from it, and marijuana now, the trade is being legalized, according to the Bill, it seems to me that this institution should be supporting itself, rather than asking taxpayers for money. Okay? Because if the purpose of the institution, the control board, is to manage and handle—and I said handle has its own personality because they are handling everything—if they are to do that and to manage and handle the industry, then they should pay their way. Government should put the money that is required to establish it and make sure that it gets off the ground on a solid footing, but they should pay their way.

Now I want to say something about the management and dealing with marijuana everywhere. On October 17, 2018, Canada legalized recreational marijuana in full. Individual provinces now determine how the product get distributed and sold. So they pass a law and then they leave it to the provinces. In the United States, it varies across states, but there is no federal law that deals with this matter.

In Mexico, you have decriminalization of five grammes or less, but it is still

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illegal. Cultivation and sale of marijuana is still illegal. By the way, you cannot cultivate marijuana in Canada either. In Belize, you can have up to 10 grammes of marijuana in a private home. In Costa Rica, marijuana is not legalized. All right? And there is no law to decriminalize the process, but there are no legal penalties for smoking anywhere. You could smoke on the beach. You could go wherever, and that is how they deal with it. In Jamaica, it has been decriminalized since 2015. A member of the Rastafarian community is allowed unlimited use, and there is heavy tolerance in Jamaica, on beaches, music festivals, et cetera. In Argentina, in March 2017, medical marijuana became a free product available to anybody, and there are no arrests in that country for recreational use for the last decade. In Colombia, over a decade, you can have up to 20 grammes. That is decriminalized. It is illegal to grow or sell. But it is also legal for a person to grow up to 20 plants. In Ecuador, 10 grammes decriminalized; illegal to cultivate or sell but a tolerant policy. In Peru, illegal to grow or sell but you can smoke in a private home. In Uruguay, which became a hot topic—

Mr. Imbert: Would you give way?

Dr. B. Tewarie: Yeah, sure.

Mr. Imbert: Thank you very much, hon. Member, for giving way. I heard you say that it is illegal to cultivate marijuana in Canada. What did you mean by that?

Dr. B. Tewarie: They have not legalized the growing of marijuana as an industry.

Mr. Imbert: I just, well I goggled. It says you can cultivate up to four plants at home. So that is not cultivation?

Dr. B. Tewarie: No, I am talking about an industry, not just the person.
[*Crosstalk*]

Mr. Deputy Speaker: Okay, Members. Members, please let us—

Cannabis Control Bill, 2019 (cont'd)
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Dr. B. Tewarie: Okay in Uruguay, which became quite famous recently for what they did, they legalized it for 18 years and up and you can register to grow, to buy or to sell. Commercially, marijuana can be bought in Uruguay from a pharmacy. You can go to any drug store and buy it. [*Interruption*] "Oh god leh meh pronounce it how ah know it nah."

In most of Europe, whether it is, whatever the legal situation, there is a lot of tolerance except in a country like France where they do not tolerate it so much. In Portugal, all drugs have been decriminalized in Portugal. There is no jail sentence for the use of any drugs and they recommend rehabilitation and treatment for anybody who is found to be in a state where they really cannot manage or handle their drugs.

So, there are different ways of dealing with these things, and every way that you deal with it has a certain philosophical position that attends it. It has a certain understanding of what might be the social consequence and it has a certain sense of what will be achieved by the Bill and what would be the fallout. And it is that, that I wish the hon. Attorney General to speak to, if he is willing, during the close of this particular debate. And I am saying that because all of these things require some clarity, I think it is better to trash this out in a joint select committee.

Now, the Member for St. Joseph talked about the opioid crisis and that is true. This is something kind of strange. This is drugs made by drug companies that are given to doctors, sold in the drugstore and people got hooked on it and you had an entire epidemic from which the country could hardly recover right now.

I mean this is one of the biggest crises in North America, but particularly the United States of America. Okay? And we know the situation with alcohol which is that—I mean alcohol, you want freedom, you want individual choice, et cetera, and

most people can handle it, but some people cannot, and you end up with a situation in which you have alcohol addiction of various kinds which are very costly.

5.30 p.m.

The point I am making here is that as the Minister of Health said, he said that you have to be cautious about how you go with this. I think it is more than caution. I think you have to manage your intervention here very, very carefully, in an extremely balanced way, with very clear views about why you are doing this, how you are going to do it, and what is likely to happen. Now, nobody is God. Nobody has pre-science to know exactly what is going to happen, but it seems to me that the role and responsibility in this, is to give with a certain amount of clarity, based on the information you have, really what you intend to do and why you intend to do it.

Now, the Minister said he had the regulations so that is good. There are so many things in this thing, I mentioned the issue of self-financing. The issue of the board. Would it be better to have a board as is suggested by this legislation, Mr. Deputy Speaker, that is totally divorced from the industry? A board of technocrats or people with scientific knowledge, medical knowledge, et cetera, as this Bill proposes, or would it be better to have a stakeholder board with public interest presence? That is to say you have people who know the industry, who are involved in the industry, and have an interest in its development, but you have a public interest presence to make sure that these fellas do not run away with the entire, what can I say? The entire game.

And the 30 per cent local ownership. Given what has happened here, I mean, how many people we lock up for growing marijuana in Biche? How many thousands and possibly millions of marijuana trees over the years have been burnt

down in Biche for growing marijuana illegally, et cetera? Do we really want to have an industry in which the ownership of the local is only 30 per cent of the industry? I think we need to raise that. I think we need to raise that to give people a local stake in it. Just as you take into consideration the fact that you want to bow to public opinion in order to do something that is reasonable, that would satisfy the need, the demand, the feelings of people, and the general tone in the entire world about this particular thing. I think that the industry in Trinidad and Tobago if we are to do it, and I am still concerned about the proclamation of the Bill, when the industry will start? When it will become commercial? And that we are not just doing something to create the opportunity for the use of 30 grammes of marijuana and the industry is somewhere ten years down the road.

So, it seems to me that these two Bills are critical one for another, because if you make changes to the bigger Bill, the Bill with, I cannot remember, I think about 60 clauses—

Mr. Deputy Speaker: Member you have two more minutes.

Dr. B. Tewarie: Yes, if you make changes to those Bills, you never know how it is going to affect the other one, and if you make changes to the small Bill it may affect the bigger one as well.

Now, why should we have a consumer users register, Mr. Deputy Speaker? Should we not have a record of the dealers who are licensed which the board will have, rather than the people who come to buy marijuana from these agencies? And are we going to do it, for instance, as they did it in Uruguay and sell it in the drug stores of the country, or are we going to create new business establishments to do that? All of these things are things in my view that have to be thought through, and thought through carefully. Maybe the Government has. Generally they say

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that they do, but I would like to know that these things have been thought through. I ask the question of whether they are going to be, no pun intended, “smoking joints”, you know, places where people can gather and congregate and talk and have a meal, or whatever but they are free to smoke the marijuana. And that also has implications for your public policy, what is it you are trying to do? Okay? So if the objective here is to create the opportunity for recreational marijuana use then I think the penalties on the other side are too heavy. And I think that needs to be rethought.

Secondly, if the objective is to develop a marijuana industry, I think we need some clarity on that, because if we develop that industry it seems to me that it could be valuable for a tropical country like ours where there is some expertise already, even though in illegal times, where that could be put to constructive use. Thank you very much. [*Desk thumping*]

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, to place on the record at the outset. Legalization of cannabis is the process of removing all legal prohibitions against it. Decriminalization of cannabis means it would remain illegal, but the legal system would not prosecute a person for possession under a specified amount. [*Desk thumping*] It is clear.

What the Government has done, is we have brought two Bills here today and by consent we have agreed to debate both Bills at the same time. But at the outset, once again, it is easy to see and to understand why Government would have brought the two Bills and just for the listening and viewing public for them to understand what we are doing here today, is that we have a simple Bill which is the Dangerous Drugs (Amdt.) Bill, 2019 which we will get into a discussion about the policy and

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why we have gone this route, which is a very simple route of decriminalization, and how we are dealing with, not the recreational use of marijuana, but accepting for the first time as a Government, and we have had many governments before, but this is the first Government has accepted the challenge of dealing with the reality of marijuana use in Trinidad and Tobago. [*Desk thumping*]

It is ease to sit and it is easy to talk and it is easy to make disparaging comments like, “I hope you thought it through, and you did not think this through, and you did not think that through”. And then you have those who are saying all sorts of different things. But the fact is, it is the first time that a Government has responsibly gone out, engaged in extensive public consultations with two of the most senior members of Government, the Minister in the Ministry of the Attorney General and Legal Affairs who has a lot of experience and is one of our senior Government Ministers, and then none other than the Attorney General. And they led the charge in Trinidad and Tobago—Trinidad and Tobago—and went and held a number of public consultations that the Attorney General has told us who attended and how widespread the consultation was on a topic such as the decriminalization of marijuana.

So the first Bill, as I will get to in a short while, deals with the outcome of those discussions. And we recognize that when you are bringing legislation or you are dealing with hard topics such as this, you are not going to please everybody. A Government has the responsibility of balancing the varying interests—

Hon. Member: Correct.

Hon. S. Young:—and listening to everyone, but ultimately making the decision and it is the Government that decides the policy of the day, and that is what the Government did. So all of the shallow criticisms, about tell me what the policy is

and you cannot see what the policy is. When you look at it you do see what the policy is.

The next Bill, the Cannabis Control Bill is a much more complicated and complex set of issues that must be dealt with, and one that many other jurisdictions that have already left the blocks and are sprinting down the line continue to be dealing with today including some of our Caricom neighbours around us. You have St. Vincent and the Grenadines, up to the north you have Jamaica and some others in between. But each country must decide how you are dealing with it and I also say that nothing is set in stone. No piece of legislation, including the Constitution, is ever set in concrete and unable to evolve through amendments or through new law down the road. But this Government took the decision after extensive consultation to bring these two Bills to the House for debate.

From a national security perspective, the illegality of marijuana has created and caused a lot of problems for us as a society and a lot of problems that then in national security, we have to deal with. The step and the policy decision of the Government to come and to decriminalize, setting a threshold of 30 grammes per individual is a step in the right direction. [*Desk thumping*] The policy is a recognition that there are persons in our society who utilize marijuana for more than medicinal purposes, and that is a fact. The Government sat and we had special sittings at Cabinet level to discuss this because even we had different views, but ultimately as a Cabinet we decided to set the threshold at 30 grammes. And what we are saying to the public is, if you are found in possession of 30 grammes, we think that that is acceptable for you the individual, for your own personal use and from what I have been told 30 grammes is a lot, I think the Attorney General has said what it is two Du Maurier cigarette packs is—

Mr. Al-Rawi: Three.

Hon. S. Young: Three.

Mr. Al-Rawi: Twenty each.

Hon. S. Young: Twenty each. So—how much?

Mr. Al-Rawi: Sixty cigarettes.

Hon. S. Young: So 60 cigarettes worth, which is a huge amount as far as I am concerned. But our policy decision is to allow that amount per individual. That is the Government policy. The Government policy is a recognition that we are decriminalizing the possession and use of less than 30 grammes. Between 30 grammes and 60 grammes we are saying that if you are found with that amount there is a fixed penalty. So we are not going to clog up the courts. So I had heard one speaker before talk about “Oh, all the Attorney General has said is with respect to its focus on clearing the courthouses”. Not true. But that is going to be one of the positive effects of it.

Mr. Hinds: True.

Hon. S. Young: One of the positive effects is we are not going to clutter our court system with as we said the man found with the one joint, or the five piece, or the 10 piece, or whatever it is. So you have set a threshold to say 30 grammes and under, not even going to criminalize it, we are not going to pursue you, we are not going to charge you for that. Above that between 30 and 60, so that is doubling the amount we just heard, standard set penalty with a ticketing system, a fixed penalty system. So there is not going to be clogging and cluttering the police system as well as the court system. People may ask, “Well how are the police to test?” The same way the police test right now for being intoxicated. The same way there are scientific tools for police officers who are trained and as the Minister of National Security, you have to sign a certificate because we train police officers and it is

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only specified police officers and every few months the Commissioner sends to me a stack that high of about 200 police officers that he has trained to apply Breathalyzer tests. It would be the same thing in this instance.

Mr. Al-Rawi: We have drafted it already.

Hon. S. Young: Attorney General said it is drafted already. Where do you get the supply from? These are all the questions we asked around the Cabinet table. In the first instance, the Dangerous Drugs (Amdt.) Bill provides for that. We are saying you are allowed to grow four plants for your own personal consumption. Is this going to provide the immediate solution and eradicate the drug trade? Absolutely not. Who said that? Nobody here on this side said that. So to suggest that we are saying that this is the solution to eradicate the drug trade, nobody on this side said that. But everybody on this side supported the Cabinet in taking the decision to tackle the problem and one thing this Government cannot be criticized for legitimately, is being afraid to tackle the difficult problems in society.

So I heard the Member for Caroni Central talk about Petrotrin, and talk about the \$100 notes. But what it is, is this Government shows it has the testicular fortitude to take on the difficult conversations of the day to tackle it, to face the difficulties and to do what needs to be done to move Trinidad and Tobago forward in the right direction. [*Desk thumping*] And that is the start of the policy that we are here today carrying out the first step. So as I say the Parliament in most instances does not decide the policy, because even for the Attorney General and the Minister in the Office of the Attorney General and Legal Affairs to have brought the Bills to the Cabinet for us to approve it to come here, we discussed the policy.

And the policy was multi-fold. How do we free up the court system? How do we give the police officers more time to deal with the more serious crimes?

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How do we also accept as we see some of the stakeholders, some of the persons who are interested and so interested in this area, that time and time again, I have seen them over the last few months come to the Parliament? I did not attend any of the consultations, but I have seen as well, by looking at the consultations on television, some of the people in the Public Gallery attending those. I have also seen them on the news and on television.

This is real and this affects lives and the Government was not afraid to tackle it, the Attorney General was not afraid to continue behind us, even though initially he was told, “Do not to it, do not bring that”. He kept at it, he kept at it and eventually convinced us that unlike governments of the past, could no longer bury our heads in the sand. And today I thank my colleagues, and I congratulate them for being forward thinking enough for us to be here today to debate it. And that is what we are here for.

And the Dangerous Drugs (Amdt.) Bill immediately tackles a number of instances. But I also want to talk about very often, the different spectrums and where we have decided to come into the spectrum. So on the one hand this is a global conversation. Many countries, many jurisdictions, even in the United States different States take different positions. You have on the one hand, Singapore, very often we hear in here, Singapore. Singapore continues to have a very strict regime at dealing with this and it is only recently in the last 30 days they allowed the first case of the use of cannabis for medicinal purposes for a young girl with epilepsy. But Singapore has been an advocate, as many countries around it in Asia take a more lax and relaxed view on how to deal with marijuana. They have stood their ground and said, “No”.

On the other extreme, I remember being a university student in the United

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Kingdom in the '90s and my best friend from Holland travelling across to Holland with him and him taking me for a night out in Amsterdam.

Mr. Singh: The red light.

Hon. S. Young: And showing me the Red Light District and showing me all of the various cafes that existed in the mid-90s in Holland and how they dealt with it. I did not partake, I did not participate, but I saw how this industry was booming at the time. And they at the time it was not legalization, but it was decriminalization. And that is where he first explained to me it is still illegal, but the police and the authorities will not arrest anyone, and then the cafes had to be licensed and the person who are to supply the cafes had to be licensed. And that is what the second Bill goes to. So they have done it and as forward thinking as that was then, and I remember having the opportunity to engage in conversation with the Ambassador for the Netherlands in London at the time when he came to address some of us students and asking him how it worked.

Another part of that visit and that trip was to Rotterdam and I remember going into a public bathroom there in the middle '90s and immediately seeing how the lighting was different and not understanding it, because it is the first time I was exposed to that. And in the public bathrooms in Rotterdam there was UV lighting and when I asked him, "Well why is this, this lighting?" He said it is because—when you looked at the ground it was sprinkled with needles and there were bins for special—needle bins, and he explained to me because of the drug use, the heroin and whatever else was injected at that time, they had UV lighting in the bathrooms to prevent drug users from seeing their veins so they could not use. So in that one country, in the '90s seeing these two dichotomies of a liberal approach to one drug, cannabis and marijuana, and then the hard use of other drugs and how

it was affecting their society.

So it is not an easy position to come to. So the policy is determined one, it exists. Two, rather than clutter our criminal justice system, burden our police officers with having to pursue those who are not a weight and a burden on society, but are users who will use for themselves and in their small amounts. Let us take a decision and clear that out. Are there not risks still associated with the use of cannabis and marijuana? I am sure that there are. We had robust conversations about it at F&GP. Some of us did not agree with it. Some of us said so why are we doing this at this time? But ultimately the Government has brought these Bills to Parliament.

So to get back to the Dangerous Drugs (Amdt.) Bill and how it will help, how it will assist with national security. As I say immediately it allows us to focus the already limited resources on not pursuing those who have 30 grammes and less on them. Thirty grammes to 60 grammes fixed penalty, via notification and a penalty that you can pay without having to go to court. Where do you get the supply from? I assume you will get the supply legally from the four plants and utilization of the four plants. But quickly following that is then the Cannabis Control Bill where in my humble opinion we are setting out to achieve a much bigger task, and that is now how do we regulate the industry surrounding cannabis and marijuana and to me that introduces a lot more complexity. As we look at how we have a regulatory authority, who gets the licences, what can you get a licence to do, and I dare say this is something that all countries who have gone this route are facing. Some more successfully than others and everyone is working it out.

So from a national security point of view we look forward to this, we look forward to the passage of this legislation that is the Dangerous Drugs (Amdt.) Bill.

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The police service say it will ease their load, it will lighten their tasks in dealing with the smaller aspects—

Mr. Hinds: The Forensic Science Centre.

Hon. S. Young: The Forensic Science Centre as well. But we caution and we try to provide with it in the legislation. It is a big point for us, and in our discussion was how do you then regulate persons who can now use their 30 grammes of marijuana or less, or whatever variable between zero and 30 and then have to go out and work; the pilots, the doctors anyone who has a responsibility now for other lives and may be affected. The discussion was, well how it is dissimilar or different to the use of alcohol and to a person being intoxicated? And we have provided for that in the legislation. Where we make it an offence for persons whilst under the influence of cannabis to do anything which constitutes negligence, professional malpractice or professional misconduct. And we talk about them operating, navigating or in actual physical control of any motor vehicle, aircraft, and ship while under the influence of cannabis. So we put down a marker here and we warn people. When this piece of legislation is passed, understand that whilst we the legislators starting with the Government are giving you the opportunity to utilize marijuana to your leisure and as you see fit, do not bring into harm other people's lives and that is what we have to do.

We also quite sensibly are suggesting at 5D of this Act that a person who is charged for the possession of not more than the 60 grammes, so again policy decision, we say 60 grammes is the cutoff point, above that is really being criminalized. But we are saying is retroactively if you have been charged for possession of not more than 60 grammes, or not more than 10 grammes of cannabis resin before the commencement of this Act, you may apply to the court

for a discharge.

6.00 p.m.

Because we recognize it. And when I practised law, the very few times I went to the Magistrates' Court, very often it was as a favour to someone whose child had been caught in that young age of being found with a few joints and was before the Court. And you tell them if you are guilty, plead guilty and we make a plea in mitigation and ask the magistrate to apply a certain clause in the Summary Courts Act, to allow them not to have a criminal record, because of course, if they did it affected their opportunity and their ability to go and study, it would affect their opportunities and abilities in the future, in their young lives to get on with it.

So again, the policy decision we are taking here as a Government is, we are saying anyone who has been previously charged with possession of under 60 grammes, you can apply to the Court to have that offence discharged. We are also saying apply to the Commissioner of Police to have your record cleared, and also, what the Attorney General has said is, the Mercy Committee will look at clearing any record that may exist as well. So again, that is a policy decision, in line with the first decision we are taking which is to decriminalize 30 grammes and less and 30 to 60 grammes.

What we have also said by this Bill which is separate to the Bill to regulate the industry is, we are saying we do not want you to use this in public places. I heard what the Member for Barataria/San Juan said about hemp and the difference, et cetera, and the Attorney General would deal with that and the Minister of Health, I am sure has touched on it as well.

Mr. Singh: No, he did not.

Hon. S. Young: But, again, from a policy position, the Government's policy is,

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the same way with cigarettes now— and we are saying, you cannot smoke cigarettes in public places to affect through secondary smoke other persons who do not have a choice to suffer the health effects of the decision you have taken to smoke cannabis or cigarette. Do not do it in a public place. I can see absolutely no good reason why that should not form part of the law. Me, personally, I dislike cigarette smoke, so why should I now be subjected to someone who has taken a decision, in accordance with the law, to smoke their cannabis, why must I be subjected to that? Do it in the privacy of your home, your friend's home, everywhere, but that is such a step in the right direction where we are from now. So we support that, no smoking in public places. I have already touched on what constitutes negligence, professional malpractice, et cetera.

We are then also seeking to protect our children, and we are creating an offence where a person:

“5C (b) has cannabis...in his possession—

(i) on a school bus; or

(ii) ...any premises where children are present for the purposes of education or attending or participating in any sporting or cultural activity;”

And that person shall be liable on summary. Again, this is a step in the right direction. It reminds me of the many football games being attended when I used to attend football games in the stadium. I remember in 1990 or '89, whenever it was, sitting there and the scent—November. That was the first time I ever smelt marijuana, sitting in the packed stadium and persons smoking it there. Again, we are saying, we are taking a decision here today to allow you to do it, but do it in the comfort of your home, or in the privacy of wherever it is, but not in a public place.

So, Mr. Deputy Speaker, in a nutshell, it is the position of National Security and those in National Security, that with the simple passage of this Dangerous Drugs (Amdt.) Bill, 2019, it will free up a lot of resources in the fight against crime and that includes all of the various agencies. It will change the landscape. It will change the dynamics of the landscape, even before the Cannabis Control Bill is put into place, the authority built out, et cetera. Respectfully, I suggest that with the mere passage of these amendments and these policies of 30 grammes and less being legal, or decriminalized and 30 to 60, a standard ticketing system, it will free up the whole criminal justice system of a great burden as it currently stands.

With respect to the Cannabis Control Bill, a lot has been said with respect to it, it is simply a move to regulate of how the industry will run and how it would play out, and it is not something that I have any intention of getting into in my contribution. So, Mr. Deputy Speaker, respectfully I say this is well thought-out. There is a policy behind it. It is a great forward step by the Government of Trinidad and Tobago. I am proud to be associated with a forward thinking Government that have the testicular fortitude to once again take on a difficult area of society. Because it is easy to talk, it is easy to say on a political platform, "If I am voted in, we will decriminalize marijuana". We did not even have to do that. Whilst being in office, it is another area that we have shown that we are ready to take on, via the public consultations and today here dealing with these two Bills. And with those few words, Mr. Deputy Speaker, I thank you. Less than 30 minutes. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for Mayaro.

Mr. Rushton Paray: [*Desk thumping*] Thank you. Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I thank you very much for allowing me the

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opportunity to join in this debate as we bring these two Bills before the House, which as my colleagues before indicated, that in principal, we are supporting the initiative of the decriminalizing of the cannabis. But we do have issues in which we feel that, if given the opportunity to go to a joint select committee, we will be able to flesh out because there are stakeholders—and I know the contributors across the floor did identify a few stakeholders who they have seen at consultations, who they have seen here in this Chamber. And in fairness to those people, I think being able to articulate their views, their views plus the views from many other stakeholders who I have been in communication with, I think it would have added value in terms of what the final product would look like.

Mr. Deputy Speaker, in my short contribution this evening, I want to speak a little bit on the Dangerous Drugs (Amdt.) Bill, 2019. I have a few questions that a few of my constituents have been asking. As you know, I am the MP for Mayaro. Biche is a big area in my constituency and I know there are some key questions that they want to get some answers.

And secondly, I have some questions on the Cannabis Control Bill, in terms of the legislation. And finally, as a businessman as well, I see some good opportunities that I would like to probably discuss one of the item, and perhaps the Government can take into consideration.

So, Mr. Deputy Speaker, as I get started, I want to agree with the Member for Port of Spain North/St. Ann's West that nothing that we do in this House, not even the Constitution is cast in stone. There is opportunity to grow it, to change it as the time and the environment changes. I want to lean on the side of decriminalization rather than full legalisation, for the mere reason, Mr. Deputy Speaker, that as Trinidadians and Tobagonians, I think we are a nation of

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excessiveness. You know, we do very little in moderation and if you look at our culture, the way how we party, the way how we fete, the way how we drive, you know, there are very few opportunities for moderation. So, I think the decriminalization of the marijuana is a good first step to get to where we want to be somewhere down the road.

Mr. Deputy Speaker, I also heard my colleague from Port of Spain North/St. Ann's West, he was addressing—hon. Member was addressing where the supply of the cannabis is going to come from, and his response was, initially, the four plants that you have in your home. That may be enough, but I question, in July of this year, Mr. Deputy Speaker, I spent one month at the Marshall Centre in Germany, and on a programme on dealing with transnational organized crime, and there I spoke to several colleagues from Europol, INTERPOL, JTF which is the Southern Command down here, plus there was some TTPS officers there as well. I was the only parliamentarian in 130 attendees, so a number of questions came up. Trinidad and Tobago was one of the conversations. We spoke very well on the measures we were taking that the Attorney General brought in terms of FATCA and FATF and so on.

But what was amazing to me, the issue of the amount of marijuana that was coming into Trinidad and Tobago, and from the initial information that was spoken about, which I found was a bit surprising was that they estimated about 12 tonnes of marijuana. It is either part of it is produced here, the rest comes in. And there was a question whether how much of that 12 tonnes leaves? So, if it leaves us to wonder, if we are consuming eight, nine, 10 tonnes, let us say that figure is 50 per cent overinflated, five tonnes of marijuana, then, what happens when this legislation becomes law, and your supply are those four plants in the back of your

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house, how do we fill that gap? And if we cannot fill that gap based on the consumption, then it gives rise to the continuance of the black market and what we are hoping to achieve from the National Security perspective, then we do not achieve it and then we would have not made the type of progress that we want to make.

So, I thought that I would probably just share that information. It is what I got from conversations while I was in Germany, and I just put it in context of the fact that hon. Member spoke about getting the supply from the four plants that we would allow you to plant at the back of your home.

Mr. Deputy Speaker, one of the questions that came up and it continues to come up is in terms of the—on the Dangerous Drugs (Amdt.) Bill, 2019, it is the issue of the measurements of the 30 grammes. So if the police stops you, you are on somewhere and you have this 30 grammes, what immediate tool that the police is going to use to make an assessment? If it is more than 30 grammes, to issue you the fixed penalty on the spot, that ticket, which I am assuming is a ticket that will be filled out, and you will be instructed to go to the Magistrates' Court on the next working day and pay the fine, how is that going to be measured? That was one of the questions, perhaps there is a tool for it that the police may get, perhaps the Attorney General will identify how the police is going to use—in fact, get that measurement going to know whether we are going to give you a ticket.

The other question that came up was in terms of the testing. I think the Member from San Juan/Barataria did speak about the issue of testing. Whether we will end up in a situation where—what we are trying to avoid of having to send a sample, send a blood sample to forensics for testing, that whole process which uses up police time, it uses up forensic time, whether there is a tool or a gadget just like

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how the Breathalyzer works, that if you are stopped, you can blow into something or you can get a finger puncture like, you know, if you are doing the blood glucose test. *[Interruption]* Oh okay. So perhaps to get that device and then that in itself is—you know, if there is a device, what about the availability to police officers. How soon? I know we have been trying to get speed guns, we have been trying to get Breathalyzers to more police officers, more enforcement outside there. So, those were some of the questions that came up in terms of the enforcement part of the Act.

The biggest thing that stood out for me in that Bill, Mr. Deputy Speaker, was a bit of the fines. There were those of my constituents who felt that the fines were a bit exorbitant, in that, to agree with Caroni Central, you know he used the term bipolar, on one side you are trying to decriminalize, and then on the other side the fines are so high, because who are these men, young men or young women, who will end up with this 31 grammes, or 33 grammes, or 35 grammes marijuana on them? I doubt they would be the person who could go to the bank and pull out \$5,000 to pay that fine. And from my reading of the Bill, if you cannot pay the fine and you choose to challenge it or you end up going before the court, and you happen to lose the case, it now means that you may have a bigger fine or some jail time. That is my understanding of it. Perhaps the Attorney General could clear that up. But are we opening, are we opening—you are freeing one batch here, but then you are going to put another section back into the whole system again.

So when you look at the Jamaican model, that the fine seems to be reasonable, that fixed penalty, that it is within the reach of the man who is going to have that 32 or 35 grammes of marijuana in his possession, it may be well within his reach to pay the fine. Hopefully get his fingers burned and he learns his lesson

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and he does not do it again. If we push him back into the court system, push him back into the Remand Yard, well then, we start the cycle all over back again. *[Interruption]* Agreed, it is personal choice, Attorney General, I agree with you, but it is a fair question, it is a fair question. I do know my colleague from Port of Spain North/Ann's West in his usual flair, he did say that, you know, we on this side ask a set of questions, and you know, why we are asking this and why we asking that.

But, Mr. Deputy Speaker, the Government could be right as a 90 degree angle, but it is our duty on this side as Opposition Members to ask questions, you know, we have to ask the questions. It is part of the duty and we must ask the questions, we must ask the questions for the people that we are representing. And this is exactly what we do. And my colleagues have done a very good job so far, and I do hope to ask some questions as we go along.

Mr. Deputy Speaker, I want to look at the—I have a couple questions on the Cannabis Control Bill, 2019, and hopefully I could get the Attorney General to respond to a couple of them in his wind up. Attorney General, under section 6(3) if I could just quickly read it, it is just about three lines:

“(3) No person appointed to the Board shall be or become engaged or employed in the handling of cannabis or have an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.”

I was wondering, because you know the—on small islands everybody is related to everybody. And I am suggesting perhaps, you could adjust the regulation to include that immediate families because you may have a brother in law or a cousin or somebody and then there is always the inference that you have an interest there,

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and while you may be the best man for the job, the mere fact that there is a familial connection, it weakens the whole unit, it weakens the work of the unit and perhaps it is something that you can take a look at.

There is another section under section 11, Meetings of the Board:

“(3) The Board may, by way of rules or resolutions, regulate its own procedure for the conduct of its own business.”

Now this cannabis authority, in my respectful view, Mr. Deputy Speaker, will be a very powerful authority. If we get to the point where we want to be in terms of the business side of the cannabis industry, and we get to the point where it is driving a lot of revenue, this authority becomes a very, very powerful authority. And I am wondering if it would make sense that in framing the legislation, we put more parliamentary oversight over this authority. I did not see it, or I did not understand if it is there in the legislation. I know, like most authorities, they will file their audited reports at the end of the year, and it will come up before a select committee at some point in time. But in terms of an immediate oversight as a Parliament to look at what they are doing, I think that is something important that we really should be looking at.

6.15 p.m.

Mr. Deputy Speaker, under Part II, clause 5(4), it provides that:

“The Minister may give the Authority, in writing, such general policy directions as they appear to the Minister to be necessary in the public interest...”

What happens when there is a disagreement between the Minister and the authority? Perhaps in making it clear in terms of the regulation—I know the Attorney General said there are regulations that are in place, perhaps we should

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identify the powers of the board with regard to its particular functions and responsibilities so it removes ambiguity so we lessen the opportunity for the Minister to come into direct conflict with the board.

Mr. Deputy Speaker, clause 16(1), it refers to the authority would employ persons that it considers necessary for its performance and they will decide on terms and agreements and compensation, and so on. I would like to ask, since the legislation creates that authority, terms and reference and compensation will be handled by the Salaries Review Commission, why do we not ask the Salaries Review Commission to deal with any person that they hire? Because I really think that, again, because of the power that this authority is going to have and, again, because of our culture you end up with the accusations of friends and families being put onto these boards, you know. And you want something such as delicate as this board, delicate as this authority, you do not want any opportunity to create, you know, accusations or malfeasance, and so on, inside here, so perhaps it may be a good thing if the SRC could be the agency to decide terms and conditions, or to have some influence in the process rather than the authority doing it themselves.

Mr. Al-Rawi: No, it would not work at all. [*Crosstalk*]

Mr. R. Paray: The SRC. [*Crosstalk*]

Mr. Deputy Speaker, there is also under clause 18, under “Confidentiality”, and this is how I read it, this is how I understood it and I have a question on it. It spoke specifically that:

“...person concerned with the administration of this Act, including a person engaged under section 16(2)”—consultants, experts who may not be part of that authority—“shall treat documents, information or other matters related

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to the administration of this Act, as secret and confidential and shall make and subscribe to an oath of secrecy...before a Justice of the Peace.”

The question I want to ask the Attorney General is, if this will debar this authority or these people who are connected to the authority from subjecting themselves to the freedom of information in the event there is a requirement through the freedom of information that this may be something to stop the provision of that information in the event an FOI request is made.

There is also a clause, Mr. Deputy Speaker, where they speak about proprietary information and 18(4), it says:

“...a person has the right to request that any proprietary or confidential documents, information...submitted to the Authority be kept as secret and confidential...”

But I think that should be something automatic, they should not have to request it, because I think trade secrets, patents, these kind of things, my understanding of the law as it is that you have to request it. There is a right to request, and I am saying those things in music, in movies, and so on, the proprietary stuff, I mean, that is something that is automatic.

Mr. Al-Rawi: Unless it is made public.

Mr. R. Paray: Unless it is made public, okay. So I am just looking at it from how it is written, if it means that it is not automatic, perhaps it should be, and so.

[*Interruption*] Okay. All right. Thank you.

Mr. Deputy Speaker, as we go on there are a couple more under the “Financial Provisions”, I have a question here, clause 21(1):

“The monies in the Fund may only be applied in defraying the following expenditure:

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- (a) the acquisition of property by the Authority in the course of performing its functions or exercising its powers;”

Again, I see the need for some oversight when you have an authority that is acquiring property. You have access to funds, you are acquiring property; I did not get the sense of too much of oversight from whether it is the parliamentary oversight, especially if they are going to be spending money to buy properties. I am not sure how the process would work, how they would justify that at the end of the day, who is going to give the okay or is it a carte blanche okay from the board.

Mr. Deputy Speaker, the issue concerning the authority having the power to borrow money to meet its obligation under the Bill, and they can borrow it from persons or entities which are not connected to the authority. It also says in 26(2):

“The Minister may guarantee in such manner and on such conditions as he thinks fit, the payment of the principal and interest in respect of any borrowing...”

Again, under what conditions would the authority need to borrow money? If the Attorney General could probably give an example of that and especially when you have a guarantee from the Minister of Finance to pay the principal and the interest. So we want to make sure that the authority is not making a bad decision and then the taxpayer now has to come and pay for it at the end of the day.

Mr. Deputy Speaker, under Part IV, “Licensing Provisions”, there is clause 31, “Eligibility for a licence”, they say the person must be 18 years or older, I would think that 21 years might have been a better age in terms of having a little more maturity in it at the end of the day, but perhaps the AG has a reason, probably it is consistent with some other law somewhere internationally—

Mr. Al-Rawi:—with the child.

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Mr. R. Paray: With the child, okay. Clause 31(3):

“A person who has been convicted of an indictable offence under the Dangerous Drugs Act or the Proceeds of Crime Act shall not be eligible for a licence under...”—it.

Again, I figure if you have been convicted for any crime under any Act, you should have no business in dealing with marijuana. I think it should go, it should stretch to any offence that you have been found guilty on.

Mr. Deputy Speaker, Part IV under “Cannabis for Religious Purposes”, 48(1) identifies that:

“A controller of a religious organisation which is permitted to handle cannabis under a licence shall not handle or permit the handling of cannabis for any type of commercial benefit or engage in any type of sale, supply or other transaction...”

The person who contravenes that, his penalty is basically \$10,000 and an imprisonment term of six months. Mr. Deputy Speaker, I find that fine is a little soft compared to the fine for the man with 40 grammes of marijuana. *[Interruption]* If he does not pay and he has to go to jail, there is a jail term if he does not pay the fine. Correct? If he goes to court and he challenges it and he loses, it is \$50,000 and jail.

Mr. Al-Rawi: Community service.

Mr. R. Paray: So there is no jail time in that? *[Interruption]* All right. *[Crosstalk]*

Mr. Deputy Speaker: Member—

Mr. R. Paray: Yes.

Mr. Deputy Speaker: Members, please. Mayaro, you are in the debate at this

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time, try to address the Chair as the case may be. And, again, hon. AG, again you will have the opportunity to, in your winding up, to answer all questions. Proceed.

Mr. R. Paray: Mr. Deputy Speaker, I was just making the point that I found that the fine—

Mr. Deputy Speaker: You all could have the minimal discourse but not on a continuous basis.

Mr. R. Paray: Sure. The fine was a little soft compared to some of the other fines in the Bill, you know, when you look at it in comparison.

So, Mr. Deputy Speaker, as we go on, I think there was an issue that I felt in terms of how they were identifying inspectors, if we should be a little more concise in who are going to be the inspectors. If they are not police officers, what would be the background, who would these people be to make sure that the right people would be identified as inspectors to go into your premises and do whatever they have to do in terms of, you know, seeing that these licensees are conforming to the law, and so on. Mr. Deputy Speaker, I noticed that there is a role for the Commissioner of Police as well in terms of writing to the Police Commissioner to have certain things expunged; it is the Police Commissioner that you go to. I am wondering if the length of time that it even takes for you to get a firearm, an FUL, some other things, if it is going to be too long, so long. I mean, what provisions are we going to put in place so that the Police Commissioner could have a time frame if a request comes for something in particular between one month, two months, three months, something that he can work within so the person who is making these requests can have some idea of how long, how far, how long you have to wait before you get this.

Mr. Deputy Speaker, in looking at the legislation in general, as I say, I agree

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with the issue of decriminalization as a first step in principle, I have no issue with that. I think it is going to allow us to take a slow gradual push at it and we will just go down the road. I have absolutely no problem with that, but one thing that I saw that was missing in the legislation is perhaps addressing some sort of support in terms of education and prevention programme for the potential rise in abuse at the end of the day. Perhaps it is mentioned elsewhere or there are other things that are already in the system for it, but I felt, as a whole piece of legislation, we should have addressed that because we have to monitor very, very closely the potential for the rise in abuse in cases, how are we going to educate our young children, you know, the kids in school. While this maybe is decriminalized, it does not mean that you should go for it or you should go towards it. So perhaps a little attention if putting it in the legislation makes it a little more firm, well, I mean, that is something that I hope that we can look at. Mr. Deputy Speaker, changing the focus of the cannabis away from prohibition and criminality and it focuses more towards public health and the issue of human rights, and so on, I think those are good areas, good conversation areas. I am hoping in the consultation you may have covered some of those areas in terms of public health, human rights, so you would have a better overall landscape of the whole process that we are about to give authority, give legal teeth to in these two pieces of legislation.

[MADAM SPEAKER *in the Chair*]

Madam Speaker, I have a couple of questions as well that—or suggestions, I should say, coming out from the business component of it because I do see, I do read about the business opportunity, a lot of countries have had considerable revenue gained on the proper management of the whole issue of the cannabis industry. I was wondering would the Government consider creating special zones

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for planting because I do not think we want to have everybody with a plot of land somewhere in their back yard, everybody planting marijuana—

Hon. Member: Why not?

Mr. R. Paray: Well, you know, next thing we put a field next to a school or we put two fields next to a church and then it raises a whole can of worms. If there are key areas where you can define, just as how we have free zones or trade zones, perhaps we could have some cannabis zones at the end of the day. [*Interruption*] No, well Biche is an important place, you know. [*Laughter*] So it is just a suggestion. The other thing is the oversight of this authority, and I think even if the Minister of Health is there on that authority, Madam Speaker—I think it should really be a combination of the Ministry of Health, the Ministry of Agriculture, Land and Fisheries, the Ministry of National Security as the oversight because I think the legislation encompasses all those areas and I think parliamentary oversight in anything is good, especially when we are going to be dealing with something like cannabis as a huge revenue earner for the country at some point in time down the road. I think the attention of all those Ministers would be very, very important.

Madam Speaker, I want to just refer a couple of comments from the Caricom Marijuana Commission. There was a report done in 2018 and there were two or three points that stood out in the report that I thought I should share with this House and the national community, and on their item 12.7, under the heading, “Decriminalisation of Small Amounts for Any Personal Purpose”, this is what the Caricom committee had to say:

“Decriminalising cannabis for using small amounts for personal use, while it meets some of the justice imperatives, does not address several important

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questions surrounding the use and control of the substance. Cannabis/marijuana remains inherently unlawful with all of the negative implications as have been discussed in this Report.”

They also go on to say, Madam Speaker, under 12.8:

“Since under decriminalisation, possession, growing and usage remain unlawful, this does little to discourage the current black market...”

And I think I referred to that in terms of how are we going to fill the gap between the four trees that are planted at the back of your home and the current consumption which we now have on the island. That black market will continue to encourage criminality.

“Decriminalisation can, however, permit the state to introduce compulsory rehabilitation programs...”

Which I did not see mentioned in the legislation anywhere—

“...for users if it believes it appropriate to do so. Further, decriminalisation for small amounts re-introduces issues of the difficulty in enforcing the law, making the law irrelevant and inequitable.”

And I think after all the work that would have been done by the Attorney General and his team, and after the evening here and we pass this Bill, then we do not want to end up in a position where we have to not get the benefits that we were hoping for as a Parliament to achieve at the end of the day.

And the last item on that report, Madam Speaker, under 12.10:

“Decriminalisation, which is supported by fines, instead of imprisonment, does little to address the social inequities in the system. In particular, persons with low incomes or indigents, often those targeted for

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cannabis/marijuana use, cannot pay high fines and still end up in conflict with the law, criminalised and imprisoned.”

And that is the point I was making earlier, Madam Speaker, in that the folks who would tend to be caught with this 35 and 40 grammes, 50 grammes, 60 grammes, who do not meet the threshold of trafficking, and there will be this penalty, this fine for them and they cannot pay it, then they will end up back in the court system, they will end up back in the criminal system, Madam Speaker.

Mr. Al-Rawi:—community service.

Madam Speaker: Hon. Member for Mayaro, your original speaking time is now spent. You are entitled to 15 more minutes to wind up if you wish. You may proceed.

Mr. R. Paray: Thank you. I know the Attorney General spoke about community service as an option but I distinctively recall reading that if, based on one of those thresholds, there may be some jail time involved somewhere, but I guess the Attorney General would clear it up for us.

So, Madam Speaker, in conclusion I want to ask the Attorney General to really reconsider the approach, there are still stakeholders outside there who feel that their voices have not been heard, their views have not been taken into consideration, and because this is a historic piece of legislation that is going to be passed tonight probably, and we did not give these key stakeholders an opportunity to give their side of the story, well, then I think we would have been doing an injustice to a large group of people in this country. So, Madam Speaker, again, I want to ask the Attorney General to reconsider, send this to a joint select committee so the stakeholders can speak, and in principle we agree with the issue of decriminalization of cannabis and marijuana, and we hope good sense will

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prevail and we will go and do what we ought to do as a Parliament in the right way. So, Madam Speaker, with those few words, I thank you very much. [*Desk thumping*]

Madam Speaker: Member for Laventille West. [*Desk thumping*]

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very much, Madam Speaker. Madam Speaker, I would want to begin by joining my colleagues on this side and joining all the citizens of Trinidad and Tobago who would easily appreciate the wisdom of the measures that we have put in legislation and presented here today, I would like to join them all in congratulating the leader of Trinidad and Tobago, the hon. Prime Minister of Trinidad and Tobago, [*Desk thumping*] who using that office mandated the Office of the Attorney General to engage this process which brought us to where we are with great help today. Madam Speaker, let me, in quick response to the Member for Mayaro, indicate that we had one of the consultations in the Mayaro district and we thought we would have seen the Member of Parliament, but not unexpectedly he was not present and he has the temerity to stand here this evening and to tell us about stakeholders not being consulted. [*Device goes off*] Madam Speaker, you would have heard the Member for Port of Spain North/St. Ann's West and the Attorney General indicate truthfully—

Madam Speaker: There is a device that is disturbing the proceedings.

Hon. F. Hinds: Thank you, Madam Speaker. You would have heard both my colleagues who spoke earlier indicate truthfully that we had widespread consultations in Trinidad and Tobago and these consultations were very, very substantially advertised in all forms of social media as well and therefore, if the Member for Mayaro has the boldness to tell us here today that there was not

consultations, at least we can tell him, and truthfully so, there was an opportunity to be heard. We went to the public on this, we sought written submissions, and the Attorney General listed a number of individuals and persons who forwarded written submissions, and of course those who attended, every idea that came from the consultations with the people was documented and operated upon. So I reject the suggestion of my friend about not having an opportunity, but at any rate there will be more opportunity for plenty discourse in Trinidad and Tobago.

Madam Speaker, the genesis of this was, as you would have heard earlier, the Caricom Regional Commission on Marijuana, 2018, under the rubric, “Waiting to Exhale: Safeguarding our Future through Responsible Socio-Legal Policy on Marijuana”. In this, Madam Speaker, as you might have noted, the Caricom governments took the decision that we need to, for a thousand reasons, have a look at this whole issue of marijuana and its use, and the industry that existed in Trinidad and Tobago, how much ever outlawed it was. It put together this commission which was led by Professor Rose-Marie Belle Antoine, a dean of the Faculty of Law of Trinidad and Tobago, a very able lady, professional, with a very colourful record insofar as academic achievement is concerned, and she chaired this very important commission and they did very substantial work. You had Professor Wendell Abel who was also a part of that team, and Professor Abel, he was well known and worked extensively in the field of mental health. He is a consultant/psychiatrist. Esther Best who heads the National Drug Council of Trinidad and Tobago; Franklin Lennox Francis/Ras Franki Tafari, the ambassador of Antigua and Barbuda to Ethiopia, Rastafari Nyabinghi Elder of the Theocracy Order. He is a historian, he is a social activist and he is a Rasta leader, sports journalist in and throughout the Caribbean, Antigua and Barbuda, and Jamaica in

particular. Dr. Maxine Gossell-Williams, senior lecturer in the section of pharmacology and pharmacy at the University of the West Indies. She did research through the mentorship of Professor Manley West, the first scientist in the Caribbean to produce medicines from marijuana.

A bishop, a man of the cloth, 30 years serving in the pastorate, he lectured and he spoke from pulpits all over the United States and the Caribbean. Mr. Dormah Harrison, Law Enforcement Specialist, bringing in elements of law enforcement into contemplation in the discussions. He is a law enforcement specialist with the Institute of Criminal Justice and Security out of Mona School of Business and Management. He is a police advisor as well, so he brought law enforcement aspects to this discussion. Dr. Kishore Shallow who has a Doctorate in Business Administration from Walden University and a prominent voice for young people across the Caribbean for many years.

A very powerful team who set to work on behalf of the Caricom governments, and it was that commission that recommended to individual governments in the region, that we had a specific look and with a view of looking at the industry, looking at the use of the thing and to come up with suggestions for some amendments to improve the circumstances around marijuana in the region. And the commission found a number of things listed in this report. One of those things is that notwithstanding its illegalities since 1894, and in particular 1925 in Trinidad and Tobago, and so on, Madam Speaker, notwithstanding all of that, marijuana has been in widespread use across the Caribbean for medicinal purpose and many other purposes.

As a matter of fact, research that they unearthed demonstrates that cannabis is used for psychoactive and therapeutic effects. Medicinal marijuana dates back

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to five millennia, cannabis sativa was classified in the 18th Century and several countries now have laws permitting cannabis use for medicinal purposes, so we are not unique as we try to approach things in this way. There is scientific evidence as identified, beneficial and therapeutic effects of cannabis on many, many diseases, chemotherapy induced nausea and vomiting, glaucoma, cancer, anorexia and weight loss, pain, multiple sclerosis, sleep disorders, mental disorders, and a host of others.

Today as I was walking into the Chamber I met Bishop Gill, Pastor Gill who leads a church in my own constituency and he was taking in this democracy, the position that we should not do what we are doing here today, and I took the opportunity to tell him while we respect his view, there are other views in the society and powerful views which tells us that we had to take action, and in recognition of all those views we are doing that.

One of his concerns was about the impact of marijuana on the young human brain and even Dr. Pottinger—and while I call his name let me take the opportunity to as well genuinely thank and congratulate Dr. Pottinger, Dr. Anthony Pottinger. [*Desk thumping*] I call him—“Dr.” Marcus Ramkissoon, I call him doctor because of his vast knowledge and his sincerity of purpose in assisting us throughout this exercise, and the Rastafarian community, of which I am a proud part, particularly the All Mansions Rastafarian, meaning respecting all the houses of Rastafari. They came together and they walked this walk straight through with us because they are the ones who have, to some extent, and a large extent felt the brunt and the burden of the criminal laws as it applied to the use and possession of marijuana after many years. So I would like to thank them just for the record and this work continues.

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And Dr. Pottinger does accept, and I am taking his medical submission for what it is worth, he does accept, in plain and simple language, that smoking marijuana is one of the most ineffective ways to use it. The fact of burning destroys about 90 per cent of the potency and the value of that herb. Dr. Gill was telling me as I entered about how dangerous it was and we know that a period of demonization took place, because this is just a plant like any other plant, like lettuce, like celery, like any other plant, but it came to be made criminal in Trinidad and Tobago, and in many countries of the world; it has been demonized. That has been etched into many people's psyche and this is why it is stunning some people now as the world moves towards decriminalization, medicinal use and creating an industry out of the herb as all others, as many others at any rate.

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So there are some risks associated with it, and no one disputes that, but this is what regulation is all about. Because the Commission found, notwithstanding the criminality and the prohibition, marijuana has been in widespread use around the Caribbean, and that use largely and very often by very young people, and in some cases children. As we speak, this Member of Parliament has personal knowledge where teachers, where parents, where residents in communities have complained to me personally about children as young as nine years old smoking marijuana. I came across a young man the other day, he was about 14 years old. He came to my constituency office. It was obvious that he was smoking marijuana. When I looked at him I could tell from some signs, and he told me, yes he was smoking marijuana and he started smoking since in primary school in my constituency. So if we want to fool ourselves in this august Chamber, we must think and think again.

The All Mansions Rastafarian organization, some very learned and proud brothers who are doing great work, led in large part by brother Bongo and Trini Levi and others, they made some submissions for our consideration. Some of very great value, a long list, and I will treat with a couple of them as we go forward. They would like representation on the Cannabis Control Authority, and I would have no difficulty with that. They are citizens of Trinidad and Tobago. They have been to a large part the victims of the criminalization of this in Trinidad and Tobago and the region, and among them are very educated and sensible brothers, loving Trinidad and Tobago as we do, and can make a contribution if given an opportunity to serve as a part of that authority. I would support that wholeheartedly, Madam Speaker.

The question of the male plants came up, and the Attorney General told us that he has broadened the perspective from when he first announced it as four male plants. The difficulty of that became immediately obvious, and now you can have male or female, the choice is yours because there are some people who would prefer to have male plants. They are not concerned about THC's, which is the element of the thing that gets you so-called "high". They may be concerned more about medicinal value, and the male plants will have less THC's and far more CBD's which is of greater interest to some people. So I am very proud on behalf of the Government, that we now have removed this big hullabaloo over male or female, and the choice is yours up to four. That is how I would view it.

There is a concern about—[*Interruption*] Well, yes, when people are growing it they tend to pluck out the male plants because it would fertilize the female ones, and you want really the THC's and so on. You get it from the flowers and so on. So you do not want to have male plants depending on what you want to

do. But there are some people who would not object to that because they have other concerns. So that is easy to work out.

The fines being too high—well, the way I see it, Madam Speaker, in terms of the fines, because the fines have been improved substantially in this. There are some people who recommend to the Government *ad nauseum* that we should have an amnesty with firearms. We should invite the society to bring your illegal firearms in, and when you do, after that we should make the law severe in order to deal with it going forward. We have heard that. We have not gone that way. We have not gone the way of an amnesty, but in similar fashion we are decriminalizing certain levels of marijuana which we have heard *ad nauseum* this afternoon. And we say while we do that, while we present you an opportunity to possess some for your personal use without the threat of criminal sanction, for those who continue to walk outside of the law, the sanctions will be improved accordingly.

Now, the choice is yours as to whether you will break the law or not. The argument, however, from the All Mansions is that this is for them a plant that is used for religious purposes, and to put such severe fines treats it as though it is inherently criminal. I do not think I will accept that argument, though I understand the value of it. So I am just saying we decriminalize some, and we offer the society an opportunity for those who would use it for your personal use, without the fear of criminal sanction, and for those who continue to walk afoul of the law, we put some severe sentences in as a deterrent to so doing one and the same time. That is the way I approach this, and of course this is for the deliberation of my colleagues in this House.

Of course, they are concerned as well about their having to register their religious organization as an NGO. Well, I could understand. The All Mansions is

a registered organization. The 12 Tribes of Israel, who I have broken bread with, who I have attended their meetings on invitation with, and I have celebrated with on many occasions, that too is a registered organization. You know there is a song that says, “You doh have to be dread to be Rasta”. If they do not register and protect their religion, there might be imposters. There might be persons who would want to claim that they are. Look, we have a thing called “Rasta City” in this country, a criminal outfit, well known to every one of us, but they take the name “Rasta City”. So if you do not protect your organization as a religion, no Johnny-come-lately could jump up and claim to be “no” Presbyterian, or claim to be Roman Catholic and carrying out services without following their tradition in the models that we know. Therefore, it may very well be, and I ask my brothers of the Rastafarian movement to accept, that having to register as an NGO where you will not have to pay certain taxes, and you will enjoy the benefits of that, you might very well be protecting your religion from intruders and imposters who might want to claim say that “dem is Rasta”, maybe just to smoke weed or to run a gang or to do other things.

And I make no issue over smoking weed because I am relying on Dr. Pottinger who said that the worst possible way to use marijuana is to smoke it. It is the most inefficient way to use it for obvious and scientific reasons. Smoking anything, he said, even mango leaf, is dangerous to your system, your lungs and so on, and one ought not to do it. Quite apart from the fact that as you burn it, in itself the combustive effect creates other chemicals that are inherently unsafe for the human person.

So I am going to ask my brothers to consider that this having to register as NGOs might be a system of protecting the integrity of that organization. In

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passing, Madam Speaker, I must tell you, I belong to the People's National Movement and proudly so. It is the best organization that I know and I am a party too, in Trinidad and Tobago; it is. Well organized, well-oiled and we have been going straight like that for 63 years. We do not have to chop and change like my friends on the other side—PNM, PNM, PNM, from the 1950s to today. [*Desk thumping*]

I attended a meeting some months ago of the 12 Tribes down at their headquarters at Sea Trace in Diego Martin, and I was in absolute awe and pride and respect for that organization. When I saw Trini Levi, its leader, when I saw all the brothers representing the 12 Tribes in their colours and the sisters sitting with dignity and aplomb in their meeting, everybody reporting on their activity for the month, because they have monthly meetings, they have a written Constitution. And when the time came to report, the treasurer, I was amazed to see the accountability down to the cent. What we earned this month, what we spent, what the balances are, I was absolutely impressed. And I could easily understand why they are over 40 years old. So registering might have its benefits, and I commend that to them for a rethink.

So, Madam Speaker, we also have in the other Bill, the “authority Bill” as I would call it, a regime for licensing. The Member for Caroni Central wondered, well, since we permit you to have 30 grammes, where will you get it? Clearly he did not read the legislation before coming here, because the answer was right in front of him. We will have a licensing regime for the cultivation, for the distribution of the herb, and we will regulate all of that around it. Because as we know, the natural plant might generate THC's, which is the psychotropic element of the herb, up to I think maybe about the natural plant, I think, I will rely on the

expert, maybe about 5 per cent in terms of the strength of the THC's. But today they are breeding these plants genetically and doing things, and “doctor” Marcus Ramkissoon told me once in these consultations that they could get as high as 22 and 27. I read some time ago, 35 per cent THC's, which can have a serious adverse effects on users who are unsuspecting. Particularly those who use them in cookies and so on, where the impact of it is two hours later sometimes, and in the intervening period you feel, well, I ate a cookie and nothing happened to me, because it is absorbing a little more slowly in the system as distinct from smoking, and then you go and take a next one and then we have all kinds of problems, or things like that.

So, Madam Speaker, all of these are some of the issues that are in contemplation here, and as the Minister of National Security pointed out, and it is worth repeating, these measures will have a positive impact on the police use of its time and on the Forensic Science Centre. Because he may have told you that 76 per cent of the analyses that the Forensic Science Centre has to carry out—they reported that to us in the consultations—are on marijuana. To prove that it is marijuana for conviction purposes in the court, they would have to certify that this green substance, plant-like substance as the police call it, is in fact marijuana, *cannabis sativa*. The bulk of the cases, 76 per cent of their analyses are on amounts less than 30 grammes.

So when we decriminalize 30 grammes and down, it means that the Forensic Science Centre would be free of those thousands of small and bothersome matters, and they will have more time and more capacity to deal with more serious issues in the society on our behalf. As for the police, as a practising lawyer myself in the past, I would have defended a multitude of persons for all amounts of marijuana.

The police have to there absorbing time in the court, and the matter is adjourned. We would free up police time substantially so they could go and look for criminals. Serious criminals who have victims, because we said to the court marijuana was a victimless crime; I smoke, it is only me.

But of course the convictions. I remember when I was a police officer I locked up a young man from the Morvant area for marijuana. I just did my job. I would see him years later on Independence Square, and he was still “guffing up” and carrying on a little obtrusively with me. Then when I spoke to him, it was because, as a result of that conviction, his siblings had gone to America and he was debarred the opportunity to go because of that conviction. Of course I felt badly, but I did my job at the time. I wished him well. What could I do? But that is a reality. If you had a conviction for marijuana, you would not be a Member of Parliament. You could not be an attorney-at-law and therefore could not be a judge, and a number of other opportunities will not be available to you.

So this measure to decriminalize this and to free up the police and free up the Forensic Science Centre, is a measure that is designed for the benefit of the little people of Trinidad and Tobago. Not for “no” big people and for everybody, although everybody smoked marijuana and used marijuana over many, many centuries in this part of the world. But the reality is, the law the Caribbean commission found was discriminately applied and for reasons that we now know in respect of bail and all of these things, it had the greatest adverse effect on the lower ends of the society. I want to compliment the Prime Minister and the Government of Trinidad and Tobago [*Desk thumping*] for freeing up the young people of Trinidad and Tobago as well, including my constituents, many of them. Because I represented many of them, pro bono sometimes, when they found themselves in

the clutches of the law on account of this.

I think I will take a look now, Madam Speaker—one of the things we are doing in this Bill, and I do not think anybody touched on it, we are also adding ketamine. I call it “ketamine”. Mr. Deyalsingh, how do you pronounce the name? “Ket-i-meen” he says. I could still say ketamine, because it was my experience. A friend of mine called me one morning over about a year ago, and told me that in his family they were receiving reports that a youngster in their family was acting strangely. This strange action was, he had a car, he would go to work in the morning and when it was time to leave, the security guard in the car park observed, he comes to work, for example, with a blue car, but when it was time to leave in the evening, he is going with his key and trying out a red car, a white car, a black car. He was completely disoriented, seriously. It was the observation of the security guard that led to that.

So the security guard reported it to the family, and then the family started to pay more attention to him. They searched his clothing one evening and found about six satchels, meaning like a straw, inch long, heat sealed on two ends sealed, and they found this white, powdery substance therein. So he called me, and when of course he reported this to me and the young man admitted that he was buying this thing at \$500 a pop at some place in San Fernando, some disco in some—not disco, “dey doh ha dat again”, that was in my days—some liming place in San Fernando.

So I called Senior Superintendent Garrick of the Trinidad and Tobago Police Service and reported this state of affairs to him, and he promptly went to work. When the police did their checks it did not appear on the controlled list on the Schedule of the Dangerous Drugs Act. We consulted with the Ministry of Health

and action was taken to put it thereon, and so on. It turned out that that thing called “ketamine” is actually an anaesthetic used by veterinarians for horses in particular, animals, to anesthetize them when they have to do surgeries upon them. So you could imagine the effect of that on a human being. We learned that they use it in date rapes. Once that gets into the lady’s drink or anybody’s drink, you completely lose consciousness. You have absolutely no idea what happened in the last 12, 15, 20 hours, none. But worse still it even erased past memory.

I read on the paper here about three weeks ago, a young woman was found in Trinidad, and she could not remember having children nor indeed her family name. That is how dangerous this thing is. So in this measure we also create the condition where the use, where the possession, where the trafficking of that substance ketamine will now be criminalized and punished, as it should be, in Trinidad and Tobago, to protect the young people from those who only want to make money at all costs, with no regard for the impact on the young life. When we of the Government, when we of the Parliament, fight hard to protect the young people, there are the ruthless among us who for money could not care less.

So everything in front of us is designed with the young people and their protection, and their well-being. The young man of whom I spoke is no fool. Well qualified, but weak enough to have found himself engaged in this activity, and it has severely affected his life. They sent him to Canada for therapy and treatment. He has returned and so far he has shown no signs of that experience. He has recovered so far, and it is our prayer that he continues.

So as Dr. Pottinger told us, the human brain is fully developed perhaps at around age 25, he said—just quoting him, relying on him—and for adolescents the use of marijuana can be a bit of a problem when the brain is not yet fully

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developed, and therefore, he does not encourage or support the use, smoking marijuana, and we are guided by that.

Madam Speaker: Hon. Member for Laventille West, your original speaking time is now spent. You are entitled to 15 more minutes to complete your contribution. You may proceed.

Hon. F. Hinds: Thank you, Madam Speaker. The pleasure is mine. There is a fear expressed by Dr. Gill, the pastor today, and many others, that once we take the action that we are set up to take today, there will be what they call like “smoke-orama” all over the place. Once we decriminalize these small amounts there are some people who fear that there will be widespread use of it. We think not, because those persons who do not smoke will not necessarily begin to smoke, and those persons who smoke under 30 grammes will not necessarily begin to smoke 100 grammes. In fact, there is some proof that marijuana is not necessarily the gateway drug that some people fear, that a measure like what we are discussing here in the Parliament would lead young people to smoke marijuana and then they go on to cocaine, and then they go on to heroin, like some gateway thing. There is no real suggestion of that. It has been demonized over the last 100 years, but the countries that have dealt with this matter have not had the experience of any explosion in use as a consequence of doing these very positive things.

It is worth saying that if you keep the youngsters, even if you are found between 30 and 60 grammes, you will be ticketed and you pay the small ticket penalty, a fixed penalty arrangement all set out in the law. If you do not pay it, then you will find yourself before the court, and the first option of the court is community service. Which means that no conviction will be recorded against your name.

When a person is sentenced to community service, let us say 150 hours at the hospital or some place, in a school to paint it, to clean it, to counsel with the children, to help them in their football activities and whatever community service the court chooses for you, once you have finished that 150 hours, that is the end of it, no conviction against you and off you go. That is how liberal the regime will be up to 60 grammes. Beyond that, you choose to have more, you are going to find yourself in trouble. If you left home in the morning with 30grammes, and you used 15, and you want to go by a friend and get 15 of his 30, and you now have 30 again, you do not have a problem. You could replenish your 30 the whole day, but just “doh” let Constable Brown “ketch” you with 61, because you will begin to have a problem.

So, Madam Speaker, as I wind to a conclusion, in respect of the very strong and well-articulated views of the All Mansions, one of the things, as I said they wanted, was to have on the authority persons who are engaged in the industry. I would like to say to my brothers of the Rastafarian faith with humility and respect, that sort of thing is abhorrent. It is an affront to legal principles because of the understanding of conflict of interest.

The authority will be a regulatory body to regulate the industry to ensure that if you produce, you do not push the THCs up to 35 per cent. To ensure that the thing is properly marked and distributed in accordance with the law. It is a regulatory authority. It grants licences; it could revoke licences. Therefore, to have someone who is engaged in the industry that would be what we lawyers call “himself to himself”, a severe conflict. And while we understand the point they are making, that is not to be the case. I could not support it on that intellectual basis.

I have already dealt with the issue of the non-profit organization and the need for its registration, and I think I have said enough about that. They pointed out in that regard though, that in Antigua and Barbuda in their Cannabis Act of 2018, there is no obligation on the Rastafarian community to apply for and obtain a licence. I put the same arguments in response to that, because even in the Medicinal Cannabis Authority in Antigua, a question will one day arise as to who is a Rastafarian, which group is a Rastafarian group, and somebody would have to decide that, most likely the courts. So we believe it will be a way of protecting your organization.

I have dealt extensively with the fines. They generally feel these fines, if you cultivate without a licence—well, if the country's laws establish an authority and the authority will grant a licence to cultivate, and somebody decides to cultivate without a licence, obviously they are breaking the law and there should be a severe sanction for that. Because if they do that, it means—it is like Jack Iron. When I was a boy—the younger people among us would not know what Jack Iron was. That is an illegal rum they make, a kind of bush rum in Grenada and other parts of the Caribbean.

Hon. Member: “It have a legal one now.”

Hon. F. Hinds: “It have a legal one now; dey call it dat.” But in those days as a child, you hear about Jack Iron, and there were occasions when persons in the region drank it and died. So you have to regulate these things because at the end of day they are for human use and human consumption. As a result, if you are going to cultivate without a licence, without the regulation, I think, “me thinks” and we think it should be treated as a serious offence, and therefore should attract a serious sanction.

I think the same argument holds in respect of the other issues. I respect the requests of my brothers but, for the reasons I have stated, I do not think that I can support that. I know my brothers of the Rastafarian faith, though victimized as much as they have been, though scorned by all, by society as we have been, Madam Speaker, I know that they are dignified and beautiful and law-abiding brothers, and they will confine themselves to the laws of Trinidad and Tobago. Now that we have decriminalized, they do not have to be running and hiding and “tired of he lick de weed in a bush”, when Constable John is coming. They can come out and blow it out in the open, where “de” breeze—not in public, in their private places—

“Where the breeze can blow it so far away
To the north, to the south, to the east
And to the west...”

According to Jacob Miller.

Madam Speaker, with those few words on this very serious matter, again I would like to commend the Prime Minister of Trinidad and Tobago for his foresight and for his instruction to the Office of the Attorney General to proceed along this path, and we are more than proud and pleased to have been able to present these measures, largely with the young people in Trinidad and Tobago in mind, to protect them from criminal sanctions and the scars that those would leave as they have left over time.

Madam Speaker, I would like to, in full support of these measures, thank you. [*Desk thumping*]

Dr. Surujrattan Rambachan (*Tabaquite*): Madam Speaker, I am very happy to join this debate which I think is very, very important, and comes at a time when we

need to look at aspects of our culture and to see how some of these can be brought into legislation, and how we can move to protect society from some of all of this that we are witnessing in terms of the misuse of drugs, and the drug culture as a whole in the society.

Madam Speaker, it was in the month of September 2019, that the hon. Prime Minister, speaking at a political rally in Diego Martin, called this matter of the decriminalization of marijuana, a matter of social justice, and said that the poor are so disproportionately affected by our current laws regarding marijuana. I want to quote what he said at that meeting. He said:

“Our jails are full of young people, largely young men because they smoked the marijuana joint and the law in this country makes the smoking of a marijuana cigarette a criminal offence.

The marijuana smoking in the upper echelons of society where a serious number of acres of marijuana is burned, very few of them end up in jail. If they even get charged, it is very unlikely that they will end up in the jail. But the ‘gift’ for those who are from Laventille, Enterprise or Cunupia - if you get caught with marijuana you’re going to jail.

Many of them can’t raise bail so they rot inside the jail.”

7.15 p.m.

And the Prime Minister was very correct, because a lot of young people who have fallen victims of marijuana or who might be described as “addicts” to marijuana, are people who live on the fringes of the society, are people who are dispossessed, are people, yes, who are poor, are people who come from communities that are deprived. And I think though that, Prime Minister, it is not just a reference to Laventille, Enterprise or Cunupia, it is a countrywide problem, and it does not

affect one particular group or one particular race or one particular area, in fact, it affects all of Trinidad and Tobago, and there are many persons of different ethnic groups who are also rotting in jail. So you are very correct, but what is my concern is this.

Are we as a society trying to deal with a problem by legalizing the problem and calling it “social justice”? Is it that what we are doing? Are we trying to deal with a problem by legalizing it? It is an issue, but have we considered what it is that has driven people to the point where they have become addicts like they have become or users of marijuana? What it is that we really need to do to wean them away from that and into a more productive, healthy lifestyle? And I do not think that we are giving the kind of consideration that we need to give to that.

We have been always talking about programmes for youth development, programmes to ensure that the youths get on the right path and so on. But after all these years in public service and in politics, you know, all of these seem to just end up as experiments, and they start and they fail because there is no sustainability, and we do not support the community groups or the voluntary organizations which really need financial support and other resources in order to ensure that we keep people away from the use of marijuana and keep them and put them on the path to progress and to self-development or development of their potential, and I think that is very important.

I think the Prime Minister indicated something when he spoke at the funeral of Wayne Chance, and said that the vision of Wayne Chance should not die. Well maybe we need a lot more people like Wayne Chance in communities like these, who will help us to help people get out of this particular predicament in which they fall.

So I want to be very blunt in saying that, you know, we must be careful that we do not try to deal with problems in a society because it has reached the point where somehow we cannot find solutions and we are legalizing or creating laws, whether you call it “decriminalization” or what, to deal with the problem.

I also hope that what we are doing here with the decriminalization of marijuana and the fact that we are going to set up an authority and give out the licences for producers and what have you and so on, that we are not motivated more by the economic benefits to be had and the taxation we are going to get or the income that the State is going to derive from this, rather than we are concerned about dealing with the problem. Because it is clear that many countries who have entered the area of marijuana production for medicinal purposes and what have you, are claiming substantial economic benefits for their particular countries. I know for a long time, in very subtle ways, the Prime Minister of St. Vincent has always spoken about the importance of marijuana and indicated what it can contribute to communities.

I want to say though that I respect the religious rights and preferences of citizens whose religious persuasion involve the use of marijuana, and I think that has been articulated very much by the Member for Laventille West. But at the same time, as we do this, we must also begin to search our laws to see whether there are laws in our country that still discriminate against other groups.

You know, for a long time the Baptist community found themselves in problems with their religious rights and practices, and I think that, you know, and the same way we are looking at marijuana and religious communities and their rights and preferences to the use of the substance, in the same way we must deal with this, you know. We evolve over time, you know. We have evolved from the

time that when the first person who requested permission to be cremated in this country way back in the 1940s, there were no cremation sites and so on, and he had to—and 1953 was the first Cremation Act in fact—had to get permission from the governor, and that cremation took place in the La Basse of one of the Kirpalanis who had come to Trinidad. So we have evolved. So maybe our laws are evolving in terms of our culture and practices, but you know, I go back to my substantial point, that we must be careful that we do not use the law in order to deal with problems that we cannot normally deal with.

I have a very great concern, but let me just state my position on this marijuana Bill, eh. I am all for medical marijuana. I am all for medical marijuana. You know, I spent some time looking at Dr. Sanjay Gupta's CNN production and, I mean, I was amazed at what the use of medicinal marijuana did for persons who had no hope, and especially for certain children with problems like autism and what have you, I was very, very shocked by that. And I am going back looking at it, again, because in this society you know, we have the autistic society, for example, and they are so unsupported that there might be very well cases that we need to reach out and even at this stage make some provision for the ability to use medical marijuana in terms of the treatment of those particular children.

The problem I have though, eh, with this marijuana is, what I might consider to be the state of research especially with respect to the psychotic aspects. You know, you sometimes, you know, you hear in the communities, "Watch him, he may have a head and he can get violent". And it is well known in many communities where you have drug users and so on that they actually, from time to time, they do get violent and the people in the communities know them. And sometimes, you know, they get so caught up in the drug, they want a 20 to buy a

“joint” and they cannot get it, and they react very violently and so on.

And therefore, that brings me to the question is, while we decriminalize, what are we doing to prevent abuse? What are we doing to wean people away? For example, we have the National Alcohol and Drug Abuse Prevention Programme, NADAPP, and NADAPP keeps complaining, Alcoholic Anonymous keeps complaining about the lack of resources, although they are trying to do a very good job, especially Alcoholic Anonymous which is so voluntary in terms of its nature. What are we doing and what are we proposing within all that we say here today that on a parallel system, we are prepared to support those organizations, community-based organizations in their attempt to reform rather than to simply decriminalize? I think that is very, very important, extremely important.

So while I support the decriminalization, I do not support legalization. I support very strongly the use of marijuana in terms of medical purposes and so on, but I must make the point that we have to do more to so support the organizations involved and people involved in the prevention of drug abuse [*Desk thumping*] we really have to do. Madam Speaker, alcoholism and the consumption of alcohol is a very—

Madam Speaker: Member for Tabaquite, while, you know, I am understanding the general trend of your argument, I will just remind we are not dealing with drugs.

[*Device goes off*]

Okay. So I just want to advise all Members, you know, I know we use our phones for research and so on, and I will ask all Members, because it has happened a couple of times today, to ensure that their devices are in a mode that we are

permitted to use them in this Chamber without disturbing the proceedings.

Yes. So, Member for Tabaquite, I am saying while I understand the general trend of your discussion, I just want to remind you, this is not about the drug control in general, this is a very specific type of legislation and therefore, I am not going to permit you go on to alcoholic abuse and Alcoholics Anonymous and those sorts of things. So, please, get back on track, we are dealing here with just cannabis.

Dr. S. Rambachan: Madam Speaker, I would simply say, what are we doing to help people get out of their addiction to cannabis? What are we doing? [*Desk thumping*] What are we prepared to do to help people, or are we going to just decriminalize and leave them there to keep smoking cannabis and all the ills associated with it? Because we cannot run away from the fact that there have been ills associated with the use of marijuana.

Madam Speaker, it is also shown in a recent study in New Zealand that young users, for example, teenagers are at particular risk because the drug has a significant effect on a still developing brain. Madam Speaker, I do not know if I am going down the wrong direction, again. If I am, I would like to be guided.

Madam Speaker: I will give you a little leeway.

Dr. S. Rambachan: Because this study in New Zealand showed a reduction in the IQ of teenagers smoking marijuana when they got into adulthood. And Dr. Jodi Gilman, the Director of Neuroscience at the Massachusetts General Hospital, asserts that memory loss in teens is a well-replicated finding in cannabis literature and she supports the premise that there is a strong link between cannabis and psychosis, depression and anxiety. That is the general point that I am making.

So you are decriminalizing, you are allowing people to use 30 to 60

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grammes of marijuana which is about two ounces of marijuana. And if this is going to happen to people, and if we are not careful and the young people are going to get into more use of marijuana, then I am just saying, what are we in a society going to do to help these people out of it? That is my point. [*Desk thumping*] And therefore, I do not think that we can just talk about decriminalization without talking about trying to redeem people out of this, because when you review the number of empirical studies, it makes you think about or begin to comprehend the long-term effects of the cumulative exposure to cannabis.

Now, Madam Speaker, when you look at the research the American Academy of Pediatrics, the American Medical Association, the American Society of Addiction Medicine, the American Academy of Child and Adolescent Psychiatry, and the American Academy of Pediatrics, they are all opposed to this matter of, well in their words, legalizing marijuana—which we are not doing, we are decriminalizing—but they point out some very deleterious effects that are possible.

I am concerned, Madam Speaker, about whether in decriminalizing and whether it is going to lead to so many more people using it, and the extent to which it is available—if someone can buy 30 to 60 grammes every day, what is going to happen to them? What is going to happen? Is there a possibility that we run the risk of increased number of medical emergencies at our hospitals, our public hospitals? Are we going to be bringing pressure to bear on hospitals and health professionals? Madam Speaker, are we running the risk of affecting the medical health of our citizens?

If you look the San Fernando General Hospital Ward 1 when I went there

speaking to some of the professionals to find out what is happening there. And they pointed out to me the behavioural changes that come about because of marijuana use, and some of them also use marijuana with additional drugs, creating additional problems.

Now, one of the concerns I have about medical marijuana is this. Prime Minister, our doctors in Trinidad are qualified to administer prescriptions for medical use of medical marijuana. We do not have a tradition here where all our doctors engage in professional development on a yearly basis in order to preserve their licences. So what we are doing when we get to the point of medical, and the dispensing of medical marijuana, how qualified our doctors will be to do this, and what kind of training is going to be available? Who is going to do the training?

Mr. Deyalsingh: Yes. Thank you for giving way. During my contribution I specifically said that one of the functions of the Ministry of Health will be to do exactly that, following the NICE guidelines, national institute for clinical excellence. We will also look at the Queensland Guidelines to educate doctors as to how to prescribe medical marijuana, and I did say that during my contribution. Thank you for giving way, Sir.

Dr. S. Rambachan: And that is a promise that is going to be done in terms of ensuring that it is going to be done, because there is a risk if somebody does not know how to—what to prescribe medical marijuana for. Right? That brings me to the other matter of the testing facilities for marijuana.

Now, I know that the Attorney General, Madam Speaker, would suggest that these are in the regulations, but one of the things, you know, when we do legislation, it would be nice if we can see the regulations and if we can have a look at the regulations so we know what is there in the regulations.

You know, at this stage I do not think that we have the proper medical laboratory facilities in order to test the quality of marijuana, so we are not sure what kind of marijuana and what its effects and different kinds of marijuana are having. As I understand, you have different strains of cannabis. So what are the research—the testing facilities available? How long is it going to take to set up these testing facilities? If we are decriminalizing marijuana, yes, you want to get the matters out of the court, you want to use community service which I all agree with in terms of what you are doing, but at the same time, we have a responsibility to have the facilities for the testing of marijuana, for the testing of the medical marijuana that is being put on the market.

I understand that people can now go and buy CBD in places, and the people are selling these things, but yet if you ask them: “Can we use in other drugs?” They say, “No problem”. I do not think that is correct, and this is happening if you talk to people in this country, so these are things that have to be looked at.

What I am saying, side by side in all of this you have to police the system. And, you know, I know that this might sound boring to you all because you just want to pass this Bill, but the problem is not about just passing this Bill, you know, there are myriads of problems that are lurking in the background that we need to be aware of and deal with. I am not saying that you are not going to deal with it but, you know, this authority that we are establishing, it is going to take a long time for this authority to come on stream, because when you read that everything is there in the authority what has to be done, it is going to take some time. So what are we going to do? Are we going to use the Bill to proclaim some things and then wait on other things? You know, what is the strategy? What is the strategy that you are going to employ in all of this?

Mr. Charles: There is no plan, no plan.

Ms. Ramdial: Good point.

Dr. S. Rambachan: What is the strategy? I think that is important to find out. You see, I am all for reducing the stress in the court system, eh, let us face it, I am all for doing that. But there is another thing, Mr. Attorney General through you, Madam Speaker. We have the traffic cases where you give out the tickets, and yet the history has shown that there are so many tickets that people do not pay and nothing has happened. How are we going to prevent the same thing—

Mr. Al-Rawi: We fixed that.

Dr. S. Rambachan: How are we going to prevent the same thing? I am not sure we have fixed it, AG, with due respect, I am not sure we have fixed it. Right? So you say now by next month, so you see, I am not sure we fixed this. You are helping me, thank you. But the point is, you know, are we going to end up in the same street with this, you know? You said that a lot of this will depend on the attitude of the Judiciary, eh, in terms of prescribing community service where people cannot pay. That is something that we will have to persuade the Judiciary to do, you know. Already, you know, we have comments made by the Commissioner of Police about the Judiciary and their willingness to cooperate, and how they apply the law and so on and so forth, you know. That is not an unhealthy discussion that is taking place in the society, you know. In my food of thought, that is a healthy discussion. No, nothing is wrong in that, societies evolve and we evolve.

So, in the same vein, if you are giving out all these tickets, right, \$2,000 and what have you, I tell you there are a lot of people who are not going to be able to pay that \$2,000. *[Interruption]* No. No. No. You give your ticket for \$2,000, but what I am saying to you, you know, when they cannot pay it, your system is going

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to get clogged again, and maybe they will return to court. You know, who is going to really supervise the community service? How are you going to supervise this community service? Right? If you claim, AG, that you have eight or 9,000 cases per year that could be taken out the system with the community service and the \$2,000 fine, let us assume two-thirds of that, people pay, and one-third, I am going on the minimum, 3,000, so you still have 3,000 persons locked in the system. Right?

Mr. Karim: In what areas? [*Crosstalk*]

Dr. S. Rambachan: No. Even you.

Madam Speaker: So, I am always so pleased when each side could speak to the other in a very cooperative way but, Member for Tabaquite, if it is that you are going to engage the AG, then, I think, you will then have to give way for him to respond. All right? So I think if you direct this conversation to me, the AG will then answer in his turn properly.

Dr. S. Rambachan: Sure. Well, I have raised the point, I do not need to go back there. I want to look at the Dangerous Drugs Act and particularly to clause 7 5A(3).

“Notwithstanding anything contained in this section, the Minister may, by Order subject to affirmative resolution of Parliament, prescribe a list of approved public places where the smoking of cannabis or cannabis resin may be allowed.”

Now, there is a definition of “public space” in the section 3 or section 4—clause 4 which says:

“‘public place’ means an indoor or outdoor area, whether privately or publicly owned,...”

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That is important in what I am going to say:

“...to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not.”

So a “public space”—

Hon. Member: “Is ah bar.”

Dr. S. Rambachan: Could be a bar, it could be privately owned. It could be a house where you have people invited.

Mr. Al-Rawi: We are fixing that.

Dr. S. Rambachan: Right. It is important because, you see, Madam Speaker, the Minister it says here:

“(3) ...the Minister may, by Order...prescribe a list of approved public places...”

Now, I am concerned about that. Right now, for example, if you are having a fete, you could go to the Magistrates’ Court and get a bar licence. Right? But you have to go to the Magistrates’ Court and get a bar licence, and the people have the right to object and what have you and so on. Now, people are not objecting because they are afraid that they get killed and they are afraid that they get “bumped off”, so the bar licence, people stop objecting to them in the communities.

The thing is, Madam Speaker, would the Minister be inclined to say whether he is going to prescribe in this list of “approved public places” where people are having a fete and they write to the Minister and say, “Listen, we want you to prescribe this is an approved public space for the night of so and so, for between the hours of so and so”. Is that part of what might be included in this here? Does the Minister have that power? Is the Minister—will be inclined to have that power or to give that kind of authorization? You know, it is something I think that you

may think about, Madam Speaker, that they may want to correct. So what places does the Minister have in mind or how far does this power really extend? I think that, to me, is important.

Madam Speaker, I think that the definition of THC as given in the Bill here it is incorrect:

“THC means”— it says here— “the...active ingredient in cannabis...”

Actually, THC is the main psychoactive constituent of cannabis and therefore, we might want to look at the definition. So it is not an ingredient like, you know, if you are baking a cake or so. It is a constituent, a main constituent of cannabis. Right?

The other point I want to make is about, in clause 3(2). Why is it, Madam Speaker, does the Bill say that the pecuniary interest set at more than 5 per cent?

Now, should a board member have any interest at? Should board members of the authority have any interest? It says, you know, 5 per cent—we will allow 5 per cent. I say, they should not allow anything, a board member should have no interest, it should be zero, because a 5 per cent can compromise a person's decision. They might be tempted to say, “I will give you 5 per cent of this company in the future”, and they could very well vote to give the licence.

Madam Speaker, a lot of the other points that I would have made have been made in the debate and, again, I make myself clear, the medicinal aspect of it, I totally support, but I would like to think that we need to talk about testing, we need to talk about controls, policing the system, we need to talk about the training of the medical professionals who are going to prescribe. And I think, Madam Speaker, there is an opportunity here for the University of the West Indies to really expand and to launch a proper, a very proper research facility to begin researching into this

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whole aspect of marijuana even in consultation with the campus at Jamaica and what has happened in Jamaica. I thank you, Madam Speaker.

Madam Speaker: Member for Diego Martin West. [*Desk thumping*]

The Prime Minister (Hon. Dr. Keith Rowley): Thank you, Madam Speaker, I rise to make a short contribution on these matters before us, just to make sure that my office is on the record, and to associate myself with the points made by Members on this side, and I dare say a fair amount of what was said on the other side, because this matter is not a simple matter, but it is also not a matter that we are made to be frightened of. My own position on this, Madam Speaker, is one where I have come from far to where we are today in an evolution of acceptance of the need to do certain things.

Fifty years, Madam Speaker, probably exactly 50 years ago, I was a student in Mona Jamaica where I was exposed for the first time to a culture of marijuana use and religious practice of the Rastafarians living on the Mona Campus next to Papine and similar communities.

Madam Speaker: Member for Diego Martin West, before you get into your contribution, I think we should take the Procedural Motion now. [*Crosstalk*] Yes. [*Laughter*] What he means, he will continue. Leader of the House.

PROCEDURAL MOTION

The Minister of Planning and Development (Hon. Camille Roberson-Regis): Thank you very much, Madam Speaker. Madam Speaker, I beg to move that the House continues to sit until the conclusion of the matters before it.

Question put and agreed to.

CANNABIS CONTROL BILL, 2019

Madam Speaker: Member for Diego Martin West. [*Desk thumping*]

Cannabis Control Bill, 2019 (cont'd)
Hon. Dr. K. Rowley (cont'd)

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Hon. Dr. K. Rowley: Thank you, Madam Speaker, so we start over, my time begins to run now. [*Laughter*] Yes. I was saying, Madam Speaker, that 50 years ago the idea of doing what I am doing now would have been an anathema, but there was a community in Jamaica, the Rastafarians and, of course, the wider national community in Jamaica for whom the use of marijuana was commonplace.

And over time I have seen here in Trinidad and Tobago that this problem that we are dealing with—because it is a problem, there are problematic aspects of its existence—is, in fact, a problem that we are solving by using legislation. And I heard my colleague from Tabaquite say what was to be acclaimed whether, in fact, we are using legislation to solve a problem and the answer is, yes. I thought that is what we do all the time. We make laws to solve problems. [*Desk thumping*]

If there are no problems to attract our attention, you would not just come in here like mad people and say, “Let us make a law because breeze is blowing”. We identify that something is happening which we want to steer in a certain direction, either to stop it or to guide it or to encourage it and we make a law. That is what we are doing here. And to do that we are acknowledging that the use of cannabis is widespread in our society, it is in fact illegal. But under that umbrella of illegality, the choice of behaviour of some people in the society is such that, by using it, and it being illegal, creates a particular kind of problem, and that problem is one that was mentioned all afternoon, all evening about the AG saying that it is unnecessarily clogging up the court system and my colleague from Laventille West spoke about destroying lives.

Not the actual chemical compound going into the body destroying life, but the fact that you use this illegal substance can damage you with respect to how you are treated in your life going forward, and these are some of the problems that the

legislation is meant to deal with now.

7.45 p.m.

Because, Madam Speaker, as we accept that the use is widespread and there are these spin-off negative aspects of it, if we know much about it we would also know that the concept of social justice now looms large, because it is a practice that is widespread across the social strata in the community. But, the facts are that the preference of selection for persecution and prosecution is not even-handed. It is not even-handed, and many people suffer because they are stereotyped for having used the drug. Others—it is even fashionable.

So, what we are doing here today, there are two Bills in front of us. One, is to decriminalize the use, a use that is widespread, even though it is illegal. And on the other hand, if we are going to change it to allow it to be used in a controlled way, we have to control the production, the handling, the marketing and so on of it. So basically, we have come a very long way from treating it as a substance to be despised, to demonize you over, to stereotype you over, to be preferentially handled. So, we are saying that we are acknowledging that there is a problem and we can solve many aspects of that problem by not making a person a criminal for having used that. [*Desk thumping*]

And, Madam Speaker, we are not doing anything new here. We are not doing anything new. Similar problems existed with other substances and in the end, the approach that we are taking here is the approach that has been taken. There was a time when alcohol was the devil's brew, and some people today even think that way that alcohol is not to be used, and many an argument could be made as to how it is damaging to your body and so on. But, when it was illegal, it generated bootlegging, and eventually the common-sense arrangement was since

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there was this approach that the illegality and the persecution and the prosecution did not prevent it from being used, then the thing to do is to control—have a controlled environment and then it be left up to choice. Tobacco, the same thing. Not every young person puts a cigarette in his or her mouth, not every person takes a drink of alcohol, and in fact, some medics like my colleague from Barataria/San Juan might even tell you a glass of red wine is healthy, and if we read the good book we will see great references being made to some of the past times of our Lord.

But the bottom line, Madam Speaker, is that we are accepting that the criminality that is attached to the use of this plant ought not to continue. Because, in our society, persons of no means or of low social standing might choose to use it as persons of higher standing in society and of means, but the prosecution largely only applies to those persons of social means and hardship. They end up in the court system or in the penal system and their life could be destroyed as a result of that. Whereas somebody else who did the same thing, somebody who did the same thing might end up as chief justice.

And, coming from Jamaica in 1970 where I discovered the widespread use of this, I went to California many years after to one of the—I visited one of the prominent universities in California, and there I was shocked to see how widespread the use of marijuana was among probably the cream of the educated Americans. So clearly, it was not a choice of use that was available to the dumb and stupid. It was a choice being made across the board. But from where I came from in Trinidad, people were going to jail for that, and at this top-ranking university in California, bright people who would be absorbed and embraced by virtually everybody for their brilliance, they are using it too. So, Madam Speaker,

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we are saying that if we do not make criminals of those who are using it, we can eliminate some of the problems that arose as a result of that labelling. [*Desk thumping*]

And I expect that as we go down this road, we will bring relief to some people who are the victims of the societal application of the law. And, Madam Speaker, it would require caution. We are not here advocating that everybody go out there and start to burn acres of marijuana. As a matter of fact, when I see persons who are, in fact, current users making arguments that it must be done very quickly, because you have to get it done, you have to get it done, I am wondering how much more they can smoke. [*Laughter*] Because if it is you are talking about legalize it so we could smoke it, you are smoking it already. And whether we do it this week, or next month, or month after, you are already burning up an acre.

Mr. Al- Rawi: Correct.

Hon. Dr. K. Rowley: So the bottom line is, we are trying to get it done in such a way, but we are not ringing a bell, come and see how much you can smoke. Because, Madam Speaker, I can tell you, while I am supporting that we do this for all the good reasons, there is a downside to this. And anybody who tells you marijuana is harmless does not know what they are talking about. It is not harmless. It can be damaging, and different people respond to it in different ways.

As a matter of fact, in my preliminary research I have seen scientific information put out of people who smoke it once and experience psychosis. Once. Whereas others who are smoking it every single day, to the point where they think it is normal, and the rest of us who are not using it, we are abnormal. So, we have to understand that, and the same thing is like alcohol. If you use it, it can have a certain effect on you. It is not all positive. And if you overuse it, it can be very

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dangerous. I mean, pregnant women consuming alcohol are being warned of it, because it is accepted that there can be damage to the human body. But we have managed alcohol in society by controlling who produces it, how it is produced, its concentrations, its pricing, its taxing, its availability and so on. That is— I do not think we are going to go back to bootlegging. And in the recent decade, we spent a lot of time weaning people off tobacco, but, of course, cigarette smoking is still there. And it comes down at the end of the day to the individual choice, do I smoke? Do I drink? How much do I drink, if I drink at all? And if we get there, as we would with marijuana, we would have solved a big problem. [*Desk thumping*]

Because, Madam Speaker, in Trinidad and Tobago we have seen where we try to have this—in Laventille we tried to have that technology centre, and somebody put a standard there that if you are a marijuana user you cannot enter the programme, and of course many young people who ought to have benefited from that technology centre found the doors closed to them. Yeah. But I just told you, in a top-ranking California university, there was—

Hon. Member: Stanford.

Hon. Dr. K. Rowley: Not Stanford. I am not calling any name. And I presumed it happened in all universities. So here in Laventille, you cannot come in through the door because you test that you have smoked a marijuana cigarette or you have been smoking marijuana. But in the world's leading universities, and he just mentioned one of them there, even the professors who are in there teaching students are regular marijuana users. So clearly something is not right here. Right?

But then if you undertake, if you choose to use it, those of us who are not using it, we are got to be protected from you, because frankly I do not think anyone

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of us here wants to know that the pilot who is taking us up in the plane has just burned off two long spiffs. *[Laughter]* And the reason why we are like that is because we do understand that he may not be in total control of his faculties. That is why we have to understand that is the reality, and that is why, if as we decriminalize it, there have to be arrangements in place, especially in certain environments, or even work environments which require that you have all your faculties, you are handling equipment, you are measuring things, right? You need to be able not to be so affected by this item that you damage other people.

Madam Speaker, I know for a fact, I have seen colleagues of mine who have used this in a particular way and got themselves derailed. When I just entered university, my first roommate, for a short time, he was my roommate and we became friends for—he fell in love with marijuana in Jamaica. In those days you would get a handle bag for \$2. You know the little brown bag you used to go in the market with long time? Two dollars, you are getting that full. And by the end of our first year, that gentleman did not do his exams. He did not write his exams. He left campus and disappeared, and when I saw him 10 years later, the first question I asked him, “Did you finish your degree?” And he said, “I am just starting over.” Ten years later.

There was another character who had fallen in love with it too, and he would step very high over a broomstick. *[Laughter]* Put a broomstick across the place and he would step over it like he is going over a log. Clearly he is not seeing a broomstick, he is seeing something else. So these things have an effect on you, and we have to make sure that we acknowledge that. And, of course, one of my colleagues mentioned it a while ago, that however, as we decriminalize it in the legislation, there is a firm caution against the use by children. The reason being,

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that if there is one area of solid science on this, it is that the human brain up to age 25 is still developing, [*Desk thumping*] and during that period it can be negatively affected by the use and the conception of THC. That is a fact. And we would need to ensure that adults do not feed or expose children, but remember, it is going on right now, children are being exposed.

Mr. Al-Rawi: That is right.

Hon. Dr. K. Rowley: We are legislating now that children ought not to be exposed to this. [*Desk thumping*] In this very Parliament, before I came around to supporting this as a way of dealing with this, I remember hearing a parliamentarian in this Parliament, not in this session, saying that, again, the Jamaica experience, that he used to feed his children with cookies, marijuana cookies, and I am wondering if he accepted the science, or if it is that he is ignoring the science as being not true, or that the science was not known then.

And another area we have to be careful with, Madam Speaker, is that there is a whole heap of chemical compound and extracts that are being manufactured and stimulated by ingredients of the cannabis trade, and we have to be careful that we put in place observations to ensure that we do not become the victims, because now that the world is becoming more liberal towards the use of this, and decriminalizing and making it more available, commensurate with that, is an explosion of chemical compound that are being prepared for use and abuse. But that does not happen to us here whether we legislate it or not, because we in Trinidad and Tobago are great copycats for what is going on outside of our border. So whether we do this or not, whatever they are producing out there, is going to end up in here.

I have heard it said that there is tremendous economic benefit to be had.

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Well, I am not so sure yet what that benefit is going to be, or how much of the market we are going to control. Because the minute this thing becomes as it is being, an accepted raw material or compound in a marketplace that is now available, we have competition. When it was available as an illegal stuff, most people were not having it easily available to them and we were their bootleggers as you can say, supplying it illegally, and it looks like good business. Madam Speaker, I can tell you, the competition is fierce already, and whether in fact our Caribbean islands can hold on to much of that market, I do not know yet, but the potential might be there. Recently, I travelled in part of California, and I saw all these, am, what you call them?

Mr. Young: Greenhouses.

Hon. Dr. K. Rowley: Greenhouses, valleys of plastic covered greenhouses, and I have been there before and I have not seen these things, it is agricultural area, and then all of a sudden these huge plastic greenhouses appeared. So, I asked, what is going on there? What are these things? It is all marijuana. It is all marijuana. Acres and acres and acres of marijuana being grown in a controlled environment, and then you go to the marijuana shops, varieties like mad, all different kinds of varieties available by choice.

And, of course, Madam Speaker, you are driving in some places and there is a van with marijuana on call, pull up on the pavement, you jump inside, buy what you want and come out. That is where the world is today. Question is, in that kind of environment where, whether it is Australia, it is Mexico, it is Canada, the United States, or not, can we compete there? And, it may very well be that we might end up like the rum business. There was a time when Caribbean rum producers dominated rum production, but then over time the market was not ours. But, of

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course, we still maintained rum production in certain niches. So it may be that a Trinidad special, a St. Vincent special, or a Jamaica special might be surviving in that huge marketplace, but in the context of economies of scale, I do not know that we can compete. We do not have the acreage. And, of course, the investment that is being made in North America alone, not to mention the other parts of the world, I do not know how much of that investment would be made here for the medical marijuana that we are talking about. That medical marijuana, if the business is that good, rest assured that Big Pharma is going to be the competition.

Dr. Tewarie: They are making it synthetic.

Hon. Dr. K. Rowley: And if they go to synthetic then it is even worse. But even if you are using natural products, it is an extraction, right. And if you are really going to extract, to make it available as a medical product for the wider global community, you would need huge acreages and, of course, serious investment, and that investment is already being made. There are billions of dollars of investment already being made, and I do not know if any of that is being made in the Caribbean. [*Interruption*] Eh, St. Vincent? “St. Vincent eh making no investment.” Since I was a student on the volcano in 1978, they were growing marijuana on the flanks of the volcano in St. Vincent. In fact, St. Vincent probably, or even the world, was the first Marijuana Growers Association.

Hon. Member: Yes. [*Laughter*]

Hon. Dr. K. Rowley: The Marijuana Growers Association is in St. Vincent, and I remember that there was a big demonstration in Kingstown when the Americans sprayed their fields. Is what they called it, weed eater?

Hon. Member: Weed eater.

Hon. Dr. K. Rowley: Weed eater, yeah, yeah. They go and spray their field on

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Soufrière, and instead of—this illegal thing, instead of running from the police, they came into Kingstown and demonstrated, the Marijuana Growers Association, and they are supported by the Government, and the Government of St. Vincent is in the forefront of advancing the kind of advice that we have got from Caricom. Because this matter had been studied and has been studied at great length at the Caricom level. And, what we are agreed to do, I think it was in the Jamaica meeting, was to encourage Governments to follow, as far as we are deposed to, the advice of that UWI study—Caricom study, and that is why we do not think that going and trying to reinvent the wheel here, or to restudy it here in Trinidad and Tobago now, is going to advance us to any further place. So, the two Bills in front of us: One, is an Act to amend the Dangerous Drug Act. The Government believes that we can go with this immediately and decriminalize. [*Desk thumping*] Take the stigma, the burden, and the pain of those who have chosen to use marijuana at an earlier time, and who are now the subject of a review, and having reviewed the situation, we believe that we can go with this. But, of course, having done that, we need to have the Act to provide for the regulatory control of handling of cannabis for certain purposes, the establishment of the Trinidad and Tobago cannabis licensing authority and connected matters. And, again, while we would want to send this Bill to committee, we do not want it to go and to be labour it, because we do not want to be inventing any wheel here. There are people ahead of us. There are people ahead of us who have done the work and we should benefit from that work. [*Desk thumping*] So, we spent a year preparing these pieces of legislation, and therefore, as we send it to committee, this one on the licensing authority, it should be relatively easy for us to accept which template we are going to use, and get that done, and this whole evolution of the use of cannabis in Trinidad and

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Tobago should be managed and be able to remove itself from the forefront of the panoply of problems that we face as a nation.

There are many families that have been destroyed because somebody smoked a marijuana joint. There are men who have been going to jail because they could not support their child because they have smoked a marijuana joint, they could not get a job, or they had a job and they lost it, and because they lost it they cannot get to pay maintenance, and they have been picked up by the police and jailed, not for the marijuana, but for the maintenance that they have not paid. That is what is happening. And those stories are largely confined to the more unfortunate families in the country, and when that happens, there are children who suffer because their father is in jail, because their father smoked a marijuana joint and he is deemed to have been a criminal for doing that. That is what we are trying to get rid of. [*Desk thumping*] So, as we are cautious about children being hurt by the use of it, we are also cognizant of the fact that children are being hurt by the illegality that is being deemed to have been committed. [*Desk thumping*]

And now that we are in this stage, now is as good a time as any to embark upon a proper programme of education with respect to this matter [*Desk thumping*] and it is my expectation that the national television station, and the other national stations, TTT and others, will craft programmes using the expertise of those who are properly informed to advise the national population, especially young people, that while the choice is there, that you avoid it as far as you are able to, because there are downsides that you may not cater for, and this is something that, as my colleague from Tabaquite says, “We cannot just decriminalize it and walk away”, otherwise it is going to walk behind us.

Madam Speaker: Hon. Member for Diego Martin West, your original speaking

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time is now spent. You are entitled to 15 more minutes to wind up your contribution.

Hon. Dr. K. Rowley: Yes, Madam Speaker, I do not intend to detain the House much longer, except to say that the time has come for this to be done for all the good reasons, and for all the benefit that it would bring, but it is a benefit that has to be earned. Because if we do not do it, what are we saying? Leave it so. That is what we are saying. And what is it? It is that marijuana use is widespread in Trinidad and Tobago, across the social strata, and there are those who use it and have a wonderful evening, and there are those who use it and end up in hell.

So, I support this measure, and I trust that the Joint Select Committee that will look at the control Bill will do so with expedition, do so expeditiously, and we will deal with this matter, and that would be one of the country's problems that we would have addressed.

And, of course, I finally want to say, Madam Speaker, we are not going to please everybody by doing this. There is a body of opinion that says it should not be done at all, people should just behave themselves. But as the Jamaican say, "it don't go so". If we do not do it, it is already an integral part of our societal behaviour. So there are those who will say we should not do it at all. There are those who will say we have not done enough, we should just legalize it and let the bush grow freely, and the bush be burnt at will. That is not the position of the majority. The majority view in this country is that we should decriminalize but we should not legalize. That may change in the future, I do not know, but at this time, we decriminalize. I thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Chaguanas West. [*Desk thumping*]

Mr. Ganga Singh (*Chaguanas West*): Thank you very much, Madam Speaker, as

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I rise to make my contribution on this momentous debate dealing with the amendments to the Dangerous Drugs Bill and the Cannabis Control Bill. Madam Speaker, it is not often that I agree with the Prime Minister and the sentiments expressed by him, but I want to indicate that also in the national population, the decriminalization of marijuana has bipartisan support across the country. [*Desk thumping*] Madam Speaker, so having—but one thing was clear from the Prime Minister's proliferation here this evening is that he is not clear in mind, from the perspective I have. He is clear on the social inequity that this Bill intends to redress, he is clear on the need for education, he is clear on the protection of children and adolescents, and we all share those opinions. But where do we go from here in the context of business, I get the impression that that the Prime Minister is still feeling his way, but in that context.

8.15 p.m.

Madam Speaker, but the speakers before him, the hon. Member for St. Joseph in particular, that Member, the hon. Minister, I thought he would have dealt with section 5 of the Dangerous Drugs Act, because that section gives the Minister the power to issue licences for the import and export—section 4:

- “(a) issue licences for the import, export, diversion, sale, manufacture, production or distribution, at a stated place, of any dangerous drug;
- (b) issue licences for the cultivation, gathering or production, at a stated place, of opium poppy, marijuana, or coca plant;”

—and it goes on like that

Madam Speaker, a former Minister of Agriculture wrote to the hon. Minister of Health on 25 June, 2018, requesting an application for a licence for cultivation and export of marijuana respectively and outlined those circumstances. The hon.

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Minister, of course, got his Chief Medical Officer to respond, indicating that the matter—that they intend to provide a time frame when they will receive a response for that application. So the Minister of Health had that power under the Dangerous Drugs Acts and that therefore he refused to dance away from that power, but today he is an evangelical zealot in dealing with the [*Desk thumping*] decriminalization of marijuana.

Having said that, Madam Speaker, I noticed that—sure—[*Interruption*]

Mr. Deyalsingh: Thank you for giving way. The reason why no licence could be awarded by the Minister of Health, when you read the Act it will say, “dependent upon regulations”. No Government in the past had regulations. So no Minister of Health, the Member for Barataria/San Juan, nor myself, could have issued licences. And that is the plain truth. [*Desk thumping*]

Mr. G. Singh: Thank you, thank you very much for the clarification. But the point I am making is that that power resided in the legislation and that therefore there was an omission in the context of regulation over the years.

Madam Speaker, the Member for St. Joseph went on to talk about thalidomide, went on to speak about that pregnant women should not be utilizing aspirin and so on. Now, I did not know where that came in the context of this debate, however I have to respond because during the tea break, Madam Speaker, my colleague, the Member for Caroni East who is a gynecologist of repute and stood up this evening to protect his reputation, [*Desk thumping*] he indicated to me for persons who suffer miscarriages there is need for aspirin together with steroid use. So I just want to correct the hon. Minister in that regard. [*Crosstalk*]

So, Madam Speaker, in dealing with—[*Continuous crosstalk*] in dealing with—

Madam Speaker: Member for Chaguanas West, apparently the House does not like you giving medical advice. [*Laughter*]

Mr. G. Singh: Madam Speaker, I was just merely conveying the advice of my learned colleague, the Member for Caroni East. Madam Speaker, but there is a fundamental problem with this piece of legislation. It is good legislation in the context of redressing the social inequities; it is good legislation in the context of protection of children; it is good legislation in the context of the freeing up judicial space. However, there is a fundamental problem with the definition. You see, when the hon. Attorney General moved from marijuana to the generic description of cannabis there is a fundamental technical, scientific problem.

Mr. Charles: Teach him, teach him.

Mr. G. Singh: Fundamental. Madam Speaker, and this problem was articulated by the Caricom Commission, now which the Prime Minister made reference to. The Caricom Commission at page 6 pointed out the distinction between marijuana and hemp. And this is what they say at page 6, Madam Speaker, I would read from that Commission which the hon. Member for Laventille West pointed to the level of and calibre of the members of that Commission. At page 6, the Caricom Commission stated:

“The law should enact legal definitions of hemp based on low THC levels and make clear distinctions between hemp and other varieties of cannabis, ensuring that all legal sanctions are removed from hemp and hemp production, so as to encourage a hemp industry.”

So what you have in the current definition, you have an umbrella definition and that there is no distinction.

Madam Speaker, in 2018 farm Bill of the United States, which is a federal piece of legislation, the hemp is now defined and taken of as a Schedule I drug and

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therefore it is no longer illegal. I will read to you.

Mr. Charles: Teach him, teach him.

Mr. G. Singh: I will read to you so that hemp, Madam Speaker, in that situation is now—in that Bill deals with the whole question, the 2018 farm Bill in the United States. What they have done there is that:

“...removed hemp...from the Controlled Substances Act, paving the way for the wholly legal cultivation, possession, sale or distribution of the hemp plant.”

So cannabis as a generic umbrella term does not provide that level of flexibility in the current legislation. [*Desk thumping*]

Now, I am particularly pleased that there is the limitation under the Dangerous Drugs Bill of that 30 grammes to 60 grammes within that frame, 30 grammes per person so that it puts an end to micro-trafficking so that therefore the micro-trafficking is no longer there.

So, Madam Speaker, so that therefore when we legalize the 30 grammes and with four plants no licence is required. There is no monitoring of that cultivation. The question is, cannabis is regulated just like opium under the international treaties, so that therefore if you have no monitoring, no regulation, then you will have a problem in the context of the export. But, Madam Speaker, with the cultivation of four plants and now that we are saying that the four plants could be either male, female, hermaphrodite, I understand when you get the seed you cannot tell whether it is a male or female seed. As it evolves then you determine whether it is male or female. So initially to say that it would only be four male plants indicated that there is a lack of expertise in that area.

With the cultivation of four plants, how much is allowed in the context of

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harvesting per household? And what about, you could get up to six, I am told, up to 600 or 6,000 grammes from any plant. So if you have a limitation of 30 grammes and you are going to have four plants and you can get that extent of grammes from the four plants then what is the storage limitation, what is the storage limitation? Because you will be prosecuted for anything above 60 grammes. So we have to think through that. We have to think through that.

And then, of course, similarly, Madam Speaker, so how much is to be allowed for each person with four plants to harvest in households in which you have extended families? So you have, you might be, well I do not know about the consumption pattern, the hon. Member for Tunapuna is trying to draw me into that, but in the extended family framework and you are allowed four plants, how much is allowed in the context of the legislation? We have to think through these things and how much resin that can be made from that. That too has to be thought through, Madam Speaker.

So that therefore whilst the male plant will have minimal THC, the CBD would be much higher in that. And I would go on to show, Madam Speaker, that you have situations where the CBD now is the principal medicinal value coming from the marijuana plant, the cannabis sativa or cannabis ruderalis or cannabis indica.

Madam Speaker, I attended two years ago a conference hosted by the CanEx the Caribbean—I think it is called “CAN Expo” hosted by Douglas Gordon in Montego Bay, Jamaica. He is a Trinidadian with also Jamaican roots. But when I attended that conference, Madam Speaker, you saw the extent, the growth, the development of that cannabis industry, fledgling as it was then in Jamaica. You had perfumes, you had creams, you had a series of nutraceutical and

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pharmaceutical products in that area. And Douglas Gordon has been a champion of that throughout the Caribbean.

Madam Speaker, so that therefore when you look at what is happening worldwide and I will go on to that in a short while, but before I do so I want to be able to continue this distinction between cannabis and between the whole question of THC and CBD. Madam Speaker, in a publication by the National Geographic entitled: "Marijuana Medicine: the Science Unlocking the Secrets of Cannabis". And it is very revealing, Madam Speaker, very revealing, and I quote from page 4 of this publication:

Cannabis contains more than 480 chemical compounds, some of which produce opposite effects. Take CBD, a calming anti-inflammatory compound and the second most prevalent chemical in most strains of cannabis. Unlike THC it is essentially non-psychotic, so it would not produce a noticeable high. It has been approved by the Food and Drug Administration to treat epileptic seizures in people suffering from Lennox-Gastaut or Dravet syndrome, but backers of CBD claim it can do much more. In fact, CBD has been touted as a treatment for everything from acne to heart health. CBD infused lattes are sold in hip cafes in New York and health stores sell CBD lotions as a topical pain reliever.

CBD is sold in Trinidad. I went to a health food store in Chaguanas during the course of this week and I saw a sign CBD oil available. There are two principal importers of CBD in this country and they are both in the west of this country, both in the west, located in the west.

The article goes on to state, Madam Speaker:

CBD contrasts sharply with THC, the most prevalent chemical in the

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majority of cannabis strains. THC is the primary cause of many of marijuana's most well-known effects. Unlike CBD, THC can and will radically change the perception of users. Although THC and CBD are chemically similar and often consumed at the same time, they have widely different effects and even seem to interfere with one another. CBD it seems lessens the effects of THC.

Analyzing a plant that contains two vastly different chemicals would be hard enough, but cannabis has nearly 500 other compounds like Cannabinol, CBN; Tetrahydrocannabinolic acid, THCA; Cannabigerol, CBG and more have their own effects and are just beginning to be studied.

So, Madam Speaker, when you look at the learning that comes out you recognize it is a very, very, complex issue. So in order to deal with this question coming back to the point about this generic cannabis to include both hemp, to include both the CBD strain and to include the phototropic one, the psychotic one then we must make those scientific distinctions in order to assist the people of this country.

At page 58 of this journal, Madam Speaker, this magazine:

Indica versus sativa or "sateeva".

Marijuana users would commonly talk about cannabis indica and cannabis sativa, but what does it all mean? In practice indica refers to marijuana with a comparatively higher CBD content than sativa which contains considerably more THC. Indica causes what is described as a body high with more relaxing and calming effects. Sativa generally creates a more energetic high that can produce a feeling of euphoria.

Madam Speaker, so there is no euphoriant, [*Crosstalk*] there is no—you know, listen to me, if you Google, this is from National Geographic. Madam

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Speaker, this is—[*Crosstalk*]—I will handle, Madam Speaker. Hemp produces no euphoriant. Sativa, “sateeva” with THC provides the euphoriant, it gives you that high.

So when you make no distinction in your legislation then you are going to have an embrace that will provide the basis for trouble down the road as you sightsee to create an industry. [*Desk thumping*] And that is why I thought the Prime Minister was not clear as to what kind of business you can go into. Look, we have people who do their own pharmaceutical, nutraceuticals in this country and if we allow the strain of cannabis that has the high CBD content then we can go into the business whereas the controlled substance remains the cannabis sativa.

So, Madam Speaker, that is the point that I wish to make. At page 60 of this article:

The chemical difference between hemp and cannabis.

Hemp and marijuana are the same plant with one important difference, the chemical content of THC. Modern hemp used for industrial purposes generally has a THC content of under 0.3 per cent by dry weight. By contrast marijuana used for recreational or medical purposes usually contained 5 per cent or more THC. Any cannabis plant including those used for producing marijuana can also be used to make cloth or rope or any number of products. However, what the plant is being used for determines how it would be grown which in turn affects how useful it is.

Madam Speaker, so you deal with all these elements—so the distinction there is that, look, you have the cannabis and you have the cannabis control and you have an administrative element of that cannabis control. And the administration and the board, all those are administrative matters, a regulatory regime. So the

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combination of the amendment to the Dangerous Drugs Act is the decriminalization which we support. The regulatory regime we also support, but we are saying that it ought to go before a joint select committee and the Prime Minister has agreed so to do and we are grateful for that, because we have to get it right.

Now, in dealing with what model to implement, Madam Speaker, the Caricom Commission provided four options in its report: “Waiting to Exhale—Safeguarding our Future Through Responsible Socio-Legal Policy on Marijuana”. Four options as to what are the models that can be utilized—in fact, five options. The main models are legislation:

- “(a) Legislation for Medicinal Purposes Only;
- (b) De-criminalization of Small Amounts for any Personal Purpose;
- (c) Liberal Legislation Model;
- (d) Legislation Model with Strict Regulatory Controls; and
- (e) A Hybrid Model with Strict Regulatory Controls.”

And then they go on to indicate, Madam Speaker, what are the options and what is the preferred approach so that what we have before us here today is the combination of decriminalization of small amounts for any personal purpose and legislation for medicinal purposes only. So decriminalization as they indicated supported by fines instead of imprisonment, that is what we have here before us today and that is one of the options available to us.

Madam Speaker, the Government, and from a policy perspective, has taken that dual approach and that therefore it is for the Government of the day, but we have a stake in the outcome in the context of the regulatory regime. Madam Speaker, when you look at what the other Caribbean countries are doing, they are

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engaged in this similar exercise. And the economic benefits, the Caricom Commission also pointed to the economic benefits and the created economic models. But they are saying the way you maximize the economic model best suited for the Caribbean is full liberalization with strong regulatory control. Clearly we are not going in that direction. So that therefore there will be constraint as to how we proceed in the context of the model, Madam Speaker.

When you look at the sacramental part, that is a very good option, very good option. My friend the Member for Laventille West talked about the various Rastafari movement. But I want to also point, that marijuana, ganja, was introduced in the Caribbean by indentured laborers and that cannabis in its various forms, indica, sativa or “sateeva” and ruderalis have a long history in India.

Madam Speaker:

“The British”—Government recognized that—“the use of cannabis in colonial India was so extensive that they commissioned a large scale study in the late 1890s. They were concerned that the abuse of cannabis was endangering the health of the native people and driving them insane. The British government asked the government of India to appoint a commission to look into the cultivation of the hemp plant, preparation of drugs from it, trade in those drugs, the social and moral impact of its consumption, and possible prohibition.

Over 1,000 standardized interviews were conducted throughout India by eminent British and Indian medical experts. The commission was systematic and thorough. It sampled a large and diverse group of people in a range of situations, from farmers to hospital psychiatrists.

After years of detailed work, The Indian Hemp Drugs Commission Report

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produced six volumes of data and conclusions. Commissioners were particularly concerned with whether or not cannabis caused psychoses. After years of thorough and well-conducted research, The Commission concluded that suppressing the use of herbal cannabis (bhang)...”

—as it is called in India, B-H-A-N-G—

“...would be totally unjustifiable. They concluded that its use is very ancient, has some religious sanction among Hindus and is harmless in moderation. In fact, more harm was done by alcohol.

Furthermore, prohibition would be difficult to enforce, encourage outcries by religious clerics, and possibly lead to the use of more dangerous narcotics. These findings of The Indian Hemp Drugs Commission Report of 1894, conducted over 100 years ago, are surprisingly relevant today.

Cannabis continues to be available in India...”

—and that therefore what you have is that they have—

“Sadhus and as Indian ascetics who have shunned material life and use cannabis to seek spiritual freedom. They simply live in the forest and wear...”

—their minimal—

“clothing.”

Madam Speaker, I am neither ascetic but I am Hindu or spiritual in that exile sense. But 42 years ago in my community, in Bamboo Settlement No. 1, after completing A levels, I decided to experiment with marijuana. So the chaps in the community, and they were my friends, they provided a joint and I smoked and I inhale and I breathe it out and that is 42 years ago; 42 years ago, Madam Speaker. [*Crosstalk*] And I want to tell you—42 years ago and it had—yeah you have that

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hallucinogenic effects, you have that. So that therefore it was—but I tried it, it was an experiment and finish A Level exams and you tried that experiment, but, Madam Speaker, I did not like that and I have not gone back to it, stayed away from it for the whole period. [*Crosstalk*] But I remember, I remember clearly, I clearly remember the experience. So that it is common among young people.

Today vaping, vaping using marijuana oil, cannabis oil; vaping, using a series of exotic chemical components, is rampant. So I agree with the Prime Minister, we must have now an aggressive education programme to accompany this change in culture that the legislation will bring about. The learning tells us that once you bring about a level of legalization there is an upward trend and then it stabilizes, because the experimentation will take place that we have to be able to tell and protect our young people. Because I agree the learning also points out that from the young and to the adolescent, until you reach age 25, I think some Member said it, that the brain is not yet developed and marijuana can have in fact a negative effect on that development.

Similarly, pregnant women, secondary smoke, if you are doing it in your home, because the law will now allow that. Secondary smoke from marijuana can also negatively impact. So that parents now, through the education programme, will have to have dialogue with their children on this issue. Point out the impact of this, point out the good, the bad and the ugly of cannabis sold, marijuana, which I prefer to be very clear as to what I am talking about.

Madam Speaker, when you look at the vaping component and this is—
Madam Speaker: Hon. Member for Chaguanas West, your original speaking time is now spent. You have 15 more minutes to wind up your contribution. You may proceed.

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Mr. G. Singh: Thank you, Madam Speaker. When you look at what is happening with vaping in schools today and amongst young people, it is a serious problem, a serious problem that is taking place. And when you combine that with the fact of the availability of cannabis oil with the THC component in it, we are going to have a further problem. So that education, enforcement as a responsible component is very, very important.

I would not go into the issues associated with vaping but in New York Michael Bloomberg banned vaping. You have to take a similarly strong position with respect to vaping in Trinidad, similarly strong position especially amongst the young people. It is the new epidemic amongst young people worldwide and it is just merely supportive of the company that is regarded as the gold standard in this area. I think it is called Juul, J-U-U-L.

8.45 p.m.

So what this legislation does, in fact, provides liberal access to marijuana in the context, as the AG used the measurement standard, 30 grammes is three packets of cigarettes—the equivalent of three packets of cigarettes. It provides for the protection of young people. It provides for a regulatory regime. It provides for the removal of the social inequities and the pardoning and the freeing up of young people. And I want to say that in the statistics indicated, the 18 to 35 group of young men is an area in which now we ought to have much more young people protected from the court system, because once you get charged for marijuana and you go into the remand yard, you become recruited into the hardened criminal arena, and this is a good thing that these young people now will be removed from that area and that, therefore, you would have the penalty system, the ticketing system.

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So, Madam Speaker, you have to—hon. Attorney General, you have to deal with this distinction in the cannabis arena. You cannot turn a blind eye to the science. And that, therefore, with these few words, Madam Speaker, I thank you for my contribution in this matter. [*Desk thumping*]

Madam Speaker: Member for Toco/Sangre Grande.

The Parliamentary Secretary in the Ministry of National Security (Mrs. Glenda Jennings-Smith): Thank you very much, Madam Speaker, for joining this debate this afternoon. Madam Speaker, coming from a background of policing and carrying out the enforcement of the laws of the land, seeing many young people go to prison, supervising officers under my command where young persons were charged and later sent to prison, it is indeed a distinction to stand here this evening to support a Bill which seeks to bring a level of balance to society in Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, decriminalization is a viable middle ground between legislation and continuing to arrest people for possession of a small amount of marijuana. And I say this because in my experiences I have seen times where—and I now want to speak about the social consequences of this particular Bill. I have seen instances where, not only young persons but adults being arrested for small amounts of marijuana. We speak about cannabis tonight, but I really want to refer to that to get a clearer understanding to this House. And there were many instances where many persons started—I want to agree with the Member for Chaguanas West—many persons started their criminal life from being arrested for a small amount of that particular drug. And today, as we sit here to debate this particular Bill—and coming after all the illustrious speakers who really would have covered most of the points that really give credence to this particular action—I cannot sit

here and understand, having experienced persons, especially young and old, and professionals, being charged for this very offence, and not having a second chance.

And, Madam Speaker, I want to tell the national community that the People's National Movement Government, this Government, we believe in giving people second chances, [*Desk thumping*] and second chances in this instance, saving lives too. And I could recall where a young man who had a family was charged, and he was working in Barbados supporting a daughter who was going to university abroad, and he came and he related his issues where he lost his job. And not only he lost his job, but his daughter was unable to continue university education. And, you know, we sit here and we really cannot really visualize how extensive this particular action that we are doing here, how much lives we are saving. And this evening I am going to really focus on the amount of lives that we are going to save with respect to this particular Bill, and I want to commend the Prime Minister, and I want to commend the Attorney General, as well as the Member for Laventille/West, because they did a lot of research into bringing forward this particular legislation. So I go back to that particular family where this man had to go through almost two years—to go through the Mercy Committee to get that relief so that he could continue in his profession. But by that time his daughter had stopped university and another life—her life was cut off because of that.

Madam Speaker, another issue which I want to draw to the attention—which I want to look at is section 5C which would also create an offence where a person has cannabis in his possession:

- “(i) on a school bus; or
- (ii) in or on any premises where children are present for the purposes of

education or attending or participating in any sporting or cultural activity;”

And it goes on. And we all know that under the Dangerous Drugs Act, the legislation had catered for the protection of school children where there is, in particular, the Act which states that—I just want to refer to it, Madam Speaker. I will just summarize it—where we give special consideration, that wherever a person is found in a school compound, near a school compound, 500 metres away from a school compound, they would be charged for trafficking. And it shows the seriousness which we adhere to children and young school children, and the protection of our children. And this Bill, I was particularly pleased to see that we picked it up and there is additional protection and an additional fine of \$250,000 and imprisonment for five years if a person is found in breach of this particular Bill.

So, Madam Speaker, these are some of the basic issues which I feel I should have drawn attention to because when we speak about decriminalization, we are not speaking about legislation. We are speaking about addressing the reform in the criminal justice system, where we are taking account for the substantial effects that decriminalization of certain offences could have in the said system. And in this regard, this Government has chosen to amend the Dangerous Drugs Act and to adjust the strict licensing and regulation of the research, cultivation, supply, commercialization of marijuana through the establishment of the Cannabis Control Authority.

Tonight we have listened to our Prime Minister who has indicated the willingness to go to a Joint Select Committee, and I would not go further on that particular issue, but I would just want to reiterate my own conviction of dealing

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with the dangerous drug of marijuana, and I would say I have lived all my life knowing fully well of the implications that marijuana could have on young minds and a mind up to 25 years old. I have been lecturing to school children on the dangers of the smoking of marijuana, the impact it could have on them, but also I am aware of the medicinal values of the marijuana herb. And with that, Madam Speaker, I think we have debated for the entire afternoon all the points which are relevant to this particular Bill, especially the Dangerous Drugs Act. I feel that it has been clearly articulated.

And I will want to also lastly refer to the whole concept of “public place”. The meaning defined in the law here is that a:

“‘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;”

And I want to highlight also the fact that section 5A(2) states that:

“An owner of, or any person who has the sole or shared responsibility”—can cause or—“remove or evict”—any person who smokes or uses cannabis or cannabis resin in that public place.”

Now, we all know what happens in a public place where other people would have access to, and this particular 5A(2) gives that authority to the owner, and I believe they may be able to call on law enforcement officers to have a person evicted from a premises if found smoking or using the cannabis or cannabis resin in the public place. I think that is going to help a lot, especially when people seek to indicate to us that they have a right to conduct themselves in a particular manner in public places.

Madam Speaker, there is another issue which I want to highlight again, is

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that there are particular jobs in the market where, even though this law comes into effect which allows persons to use in private, there are certain jobs which debar one from even getting employment. I had an experience in Toco within my own constituency where a known oil company was employing persons, and part of the employment process, they had to undergo a blood test. And all these young persons, they found themselves being eliminated because, unfortunately, in my district, in that particular area, a lot of young people find themselves using the marijuana drug.

And, you know, even though we have legislation here this evening which would eliminate them from being charged if they are found in possession of a particular amount, under 30 grammes, it still stands, and it will be there, that companies would be looking on at persons' blood tests to determine if they can employ them or not and I want to alert the general public that even though we sit here this evening and pass legislation, or go forward with legislation, there still remains these binding issues where companies would look at these issues before they employ a particular individual in their organization.

So, Madam Speaker, with these few words, just bringing in the social impact of this legislation, I want to thank you for giving me this opportunity at this time.

[Desk thumping]

Madam Speaker: Attorney General.

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I wish to thank hon. Members of the House on both sides for their contributions. I would like to particularly thank the Prime Minister for putting these Bills in the proper context, *[Desk thumping]* social justice; long overdue. My greatest critic in life, in the most positive way possible, is my mother. She spends a great deal of time making sure

that she looks at what happens. I guess all parents do in relation to their children. I note that my son is in Ireland, literally in his first year of medicine, and is watching the Parliament Channel right now, several hours ahead. I got my mother looking at it as well, sending messages, and she says to me tonight: “The Prime Minister’s contribution is what the population needs to hear.” [*Desk thumping*] It is social justice. And I often reflect upon the difficulty that the mover of legislation has, in particular the Attorney General, and any officeholder in this profession have to contemplate the challenge to law and therefore we are a slave to putting the law on the books of the *Hansard* and in particular to address the issues of proportionality in the event that we have constitutional challenge.

But I think it was the Member for Chaguanas West, if not the Member for Caroni Central—forgive me if I cannot remember who actually said it—or the Member for Tabaquite, that said that somebody needs to put together the strategy for the operation of these laws. “Why two Bills?” It was the Member for Tabaquite. “Why two Bills? How do they correlate? What is it about?” And permit me, therefore, Madam Speaker, to do exactly that as my first order of the business.

Bill number one and Bill number two operate with each other in a very specific way. The Cannabis Control Authority is the mechanism by which we set up exactly how we are going to treat, in particular, with the dispensation of medicinal marijuana. I noted that the Member for Caroni Central asked on a number of occasions, nowhere in this legislation do we speak to recreational use. And there is a reason why. The Single Convention on Narcotics and Psychotropic Substances, be it the ’61, straight up to ’88 conventions and the protocol, do not allow for the use of the concept of recreational use.

There is a glorious “ratch”—let me put it quite simply that way.

Recreational use is really deemed to be therapeutic use. And what they do is they define therapeutic use to mean, if you think you need the thing, go and talk to a doctor. The doctor may give you a prescription or what they call in all other jurisdictions, a recommendation, not even a prescription. You will get a recommendation that you need to use cannabis in its various forms. So that is why we do not have the term, recreational. It will offend the Single Use Convention, in particular, the protocol and the other amendments to it.

The second factor is that we recognize that you have to match law and overlay it on your society. What does our society demonstrate? Statistically, we demonstrate a gross social inequity. We have the bracket of 18, if not younger than that, to 35, having that population largely in our African population, almost at a two-to-one ratio to our Indian population, finding themselves in remand conditions, finding themselves brought out after conviction—sometimes after a long time—to just pay a fine. Jail terms are imposed because you cannot pay what is imposed upon you, and therefore that social injustice crawls into the situation and then takes root and becomes very real. We heard the stories coming from the Member for Laventille West; we heard the Prime Minister's exhortations; we heard the Member for Chaguanas West speak to us, indeed, the Member for Caroni Central.

People's lives have been ruined by the stigma of a conviction. They are now afraid of a position to deal with something like this. This thing has hit our Parliament. In past Parliaments we saw Room 201—I “doh” mean to make any issue out of it, but we saw a career come on the brink of disaster on an allegation of cannabis use—never quite put into the public domain. There are a lot of jokes in the population about plant-like substances found in certain places. These are real

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situational positions in our own Parliament, but, Madam Speaker, these are realities in people's lives throughout our community where people are afraid to apply for a visa, to get their education, to apply for a job.

Now, does decriminalizing or treating with it in the way that we are doing really change how the industry of employment is going to work? No. Airline pilots are subjected to testing as a condition of their airline operations. Air traffic controllers, engineers, everybody in the oil and gas industry, divers, people are put upon voluntary or mandatory drug testing. So the decriminalization to bring about social justice, to tie in with the criminal justice system and its abuse and the pressure that is on it, they are all correlated to the fact that nothing stops society from operating in the way that it wants to. [*Desk thumping*] And therefore it is entirely open to employers, workplace conditions, to prescribe that there shall be no drug utilization.

Mr. Hinds: Parents.

Hon. F. Al-Rawi: Parents, obviously. Take what the Minister of Health, the Member for St. Joseph, has done. The Member has done something that Trinidad and Tobago has been thinking about. The Member for Barataria/San Juan will know this. The fight against sugar, the fight against salt, the dropping of the NCD issue is a real issue that hits the taxpayers, let alone the people that suffer from the NCDs. We bankroll, as taxpayers, the scourge that NCDs bring.

Mr. Hinds: What is that?

Hon. F. Al-Rawi: That is treating with the non-communicable diseases, such as diabetes, such as hypertension, stroke, your cholesterol. These things kill you and the public service pays for it.

Mr. Hinds: Correct.

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Hon. F. Al-Rawi: We have had a significant reduction. I have watched the lifestyle in my own children's generation. I watch the avoidance of sugar. There is a greater consciousness of sugar—the Member for Barataria/San Juan, in his own family whom I know very well and have great admiration for, there are examples of athletes that perform on natural training techniques and have done us proud. We have examples on our side, on your side, in our constituencies, all, where we see that there is a reclamation of health and a focus in a way our society has not had. So, obviously, the education campaign in our schools, in the health care system, have to run right alongside the operationalization of this law.

Why have we split the decriminalization and the cannabis control? Why deeper measures? Quite frankly, after, in my own case, three years of research, in the Cabinet's case one year of public consultation, and in coming to this exercise, we recognize that the control aspects of medicinal prescriptions, religious utilization, licensing regimes, we knew, and we know today that that will take a little bit of adjustment. We had always intended in our discussions at Cabinet that we would bring that particular law forward and allow for a deeper parliamentary scrutiny. And for those reasons, the hon. Prime Minister announced, as we intended at the end of this debate to do, after listening to colleagues, that we will take the control Bill, that is, the establishment of the Authority, to a joint select committee for a short joint select committee operationality.

Why? The hon. Prime Minister is right. We do not need to reinvent the wheel. We have looked, in particular, at the Antigua model, the Barbados model, the St. Vincent and Grenadines model, the Jamaican model and other jurisdictional models, including the Caricom position. The dangerous drugs side is something which we believe can pass this Parliament tonight. We have listened to

contributions coming from both sides. Indeed, my own colleague, the hon. Member for Tobago East, the Minister with responsibility for keeping an eye on our children, in particular, and those most vulnerable, pointed out that the definition of “schools” in section 5 of the Act could do with amplification. Indeed we believe that we ought to include rehabilitation homes, early childhood centres, nurseries, et cetera. We have taken that on board. Coming out of the Member for Caroni Central’s contribution, I believe it was, the concept—and the Member for Barataria/San Juan first—the concept of making sure that a public place is better defined. We propose to narrow that down by specifically saying that a public place will not include a private dwelling, which is not used for commercial purposes. That ought to take us out of the risk factor of any place being viewed to be a public place even if it is private.

We propose, Madam Speaker, that we also adjust this particular Bill, but we do not propose an adjustment to the definition of cannabis. Permit me to treat with that, because the Member for Chaguanas West and the Member for Barataria/San Juan both made reference—and allow me to clarify now. Madam Speaker, we are proposing in the definition section, to include for the first time in that section, a definition of cannabis. It is there that we use cannabis as a genus of cannabis.

Now, the hon. Prime Minister who has actual schooling in these areas being of a scientific background himself, reminded me that when we are dealing with the classification we need to be extremely careful. We cannot afford to get lost in the variety and cultivation issues. The more characteristics that you find in common in classification, is the narrower down in definition that you get. There is on the larger scale the order, then the family, then the genus, then the species, then the variety, then the cultivation, and as we come down, that granular approach is

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where we get into the iterations that could cause problems.

It is for that reason that we have in this Bill put ourselves in a definition context which marries two things. It is very important to remember we are not removing the definition in the First Schedule to the Dangerous Drugs Act. What we do, is we put the definition of cannabis to the definition section to work with the First Schedule. In the definition section—sorry, cultivars. Thank you, Prime Minister, for correcting it. Cultivars is the expression. I never cease to be amazed that the Prime Minister pays attention to these things as well.

Mrs. Robinson-Regis: Ay. But he is the Prime Minister. He should—

Hon. F. Al-Rawi: He has the scientific background and I am grateful for it. Madam Speaker, when we look to the definition of cannabis, we say this:

“‘cannabis’ means the plant of the genus cannabis—”

And that cannabis should be a capital “C”, because it is the genus which is used with a capital “C”.

“whether growing or not, including...”

And then we go with the parts of the plant. We have been asked to do as Jamaica did, to cleave the definition between “hemp” and “cannabis”. And I would like to point out that in the First Schedule to the Dangerous Drugs Act, when we get down to that definition, we have to bear in mind it still prevails in this law. That definition is a very specific definition. That definition is as follows. It is in First Schedule, Item number 3. And the First Schedule is the list of narcotic drugs:

“Cannabis”—with a capital ‘C’—“Cannabis sativa”—with a capital ‘C’—
 “Cannabis sativa L, their preparations, derivatives and similar synthetic preparations, as for example:

- (1) Cannabis resin

- (2) Cannabis (marihuana)—spelt with an ‘h’—
- “(3) Cannabinol”—in its different iterations here.

When we use that definition, married with the definition in the Bill, we therefore find ourselves catching all of cannabis. Jamaica, even though it separates out hemp from cannabis, Jamaica does not go down to the “prescribeable” THC limits in hemp. And that is very important for us, because in the dangerous drugs, section 5 exceptions, meaning the law that we are seeking to amend to allow you to be in possession of certain quantities, what we are saying there, we do not want to cause the police or the forensics agencies to waste their time having to analyse whether something is hemp or something is cannabis. Instead, we wish for them to just simply accept the full category of cannabis as it is set out in the First Schedule, and as defined in the definition section that we amend now. We say instead, let the description as to what it actually is chemically only happen when you have to deal with it as an offence.

If you are caught with 30 grammes to 60 grammes and you do not want to pay the \$2,000 penalty, you do not want to do your community service, you insist to go the court, “Listen, it was hemp I had. It was not cannabis I had.” At that point, the substance will be going to the forensics division, and at that point they will analyse it and you will have your chance to say you were under the limit, above the limit. It was hemp; it was cannabis; it was not. You are entitled to prosecute your rights in a court of law, pay your lawyer, go through the system, et cetera.

Madam Speaker, that involves us taking care of the concern coming from the Member for Tabaquite. The Member for Tabaquite said: “We use the fixed penalty system in the Motor Vehicles and Road Traffic offences, but we do not really catch

a lot of people. And I answered in crosstalk saying, “Listen, we have attended to that.” And what I mean by that is, we put it in legislation which we are about to operationalize, hopefully in the month of January itself next year, coming—next month. And what I mean by that is, we have turned it on its head. You only come to court when you want to contest the matter. So instead of having 100 per cent of the cases, just like this fixed penalty will be, all going to court, it is only when you say you do not want to pay and you turn up in court that you are actually going to find yourself in the court system. So it is not going to be 100 per cent of the cases that happen. There is a consequence if you do not go to court. There is a consequence if you want to test the law, and that is, you may find yourself subjected to an order under conviction for community service or to the ranges of the penalty which is under \$50,000.

So, Madam Speaker, that certainly is a method by which we can weed out the criminal justice system, allow people the opportunity. But I would like to say, if we accept the submissions coming from some of our colleagues opposite, then how does Jamaica work? How does Antigua work? How does St. Vincent and the Grenadines work? In Barbados, the same formula is applied. In all of the arena where you have a ticketable offence, you have to go through the position of proving what the product is, allowing for the opportunity, et cetera. If we accept the Member for Barataria/San Juan’s position, then we will have to analyse every single product. No jurisdiction does it that way.

9.15 p.m.

You have a choice. You know you could walk around with three cigarette packs filled with 20 cigarettes each—three. Thirty grammes is three cigarettes packs of 20—[*Interruption*] Yes, please.

Dr. Khan: I checked it out. As my learned friend from Diego Martin North/East, I googled it, 12.5 grammes is found in one pack. So in three packs, it would be more 30.

Hon. F. Al-Rawi: Sure. So I did better than Google. I went to the forensic institute and I had them certified to the entire Cabinet by bringing physical mock samples of what it looks like; and it is the forensics institute that gave me this information, not Google. So I am going with that, if that is okay. [*Crosstalk*]

So, Madam Speaker, the forensics division said you have a choice. You could walk around with three cigarette packs of 20 free of charge, just do not smoke it in public. You have a second chance. You could double that up, 120 cigarettes of marijuana and you are subjected to a \$2,000 fine. I do not know who has the capacity at any one point in time to smoke 120 cigarettes of marijuana, of cannabis, I do not know. Maybe there are some people that can. I certainly do not know of that. However, we say in acknowledgement—and that is why I asked Barataria/San Juan and he gave way—in the observation of Jamaica’s ticketing of smoking in public, because we had prescribed here in this Bill that we would treat with an offence for public and it was quite harsh. The Prime Minister leaned over immediately and said, “Ay, there is merit in that submission”.

I have drafted an amendment, it is being circulated to Members right now. We propose that there would be a ticketable offence. In the same route as being in possession of between 30 to 60 grammes, we are saying if you are caught smoking in public and you are going to face the system, let us go through ticketable offence, fixed penalty \$2,000—because you really should not be doing it in public—if you cannot pay the \$2,000, look at community service; if you cannot do the community service, you may be subjected to the fine; if you cannot pay the fine the Interpretation Act said you may be subjected to jail term. This is the step that the

Government is prepared to take right now because we are accepting out the ability for you to smoke in a private dwelling. “Knock yuhself out”, organize—I am sorry to have used that in that way. Figuratively, Madam Speaker, you can knock yourself out. But, Madam Speaker, the point is that we are in the balancing act of this equation treating with it that way.

Madam Speaker, we also propose a further adjustment to the Dangerous Drugs (Amdt.) Bill and, that is, to treat with the gap between 60 to 100 grammes. Sixty to 100 grammes from the data coming from the forensics division is effectively that amount which the court still treats by way of a fine. You are still subjected to go into jail in remand conditions. What we have said—remember, the present law is if you are caught with one joint, half a joint, 1 gramme, under section 5, take a \$25,000, under section 5, take a five years in jail. That is what the current law is. We are saying zero to 30 grammes nothing; 30 to 60 grammes, ticketable offence, \$2,000; in default community service; in default exposure for a \$50,000; Interpretation Act said in default of that, subject yourself to a jail term.

We are saying in the gap, 60 to 100 in the amendments that we have circulated, we are saying, let us look at that amount, let us prescribe instead a different formula; we are saying between 60 to 100 you may be subjected to \$75,000 in a fine. In other words then, not as large as the \$250,000 and five years that we have proposed in this Bill. We are saying between 60 to 100, maximum fine \$75,000. However, we are taking the steps that we have applied elsewhere, community service inside of the arrangement before you get to that. We are going further.

We propose in the amendments that we circulated that we are going to have the retrospectivity of the benefit of this law. We are saying, if you have a charge

for anything under 60 grammes, automatically go to court and ask to be discharged. Do not pass, go. Go for a discharge. We are saying between 60 to 100, go to court and take the benefit of this law. You may be subjected to a fine or the community service. You will at least be getting out of the circumstance where you are subjected to \$25,000 and five years which is the current law. The case of Liyanage, which is a famous Privy Council decision, says that if you want to make law retrospective, you have to specifically say so in the Act of Parliament, which is why we propose in the Bill before us that we specifically apply the benefit of the retrospectivity of this law. If we do not do that, the law will be read as prospective and people who were charged in the period prior to the commencement of the law will not have the benefit of the law.

Madam Speaker, I genuinely believe that the amendments that we have proposed capture the mischief that Members have pointed out in their various contributions, capture the concerns which even Members on our own side have pointed out, the hon. Prime Minister, the hon. Member for Parliament for Tobago East, the hon. Member for Laventille West. We have been having discussions around this area. We genuinely believe that this law is appropriate for us our society.

Madam Speaker, I heard it said in the public domain—now elections bring out the best of us and the worst of us. I heard people saying that the Government was toying and playing politics by proposing these amendments which we bring now. I want to remind that in 2016, as Attorney General, we started in our office with my colleague then Minister Young, and then joined later by Minister Fitzgerald Hinds, we started the exercise of looking at the prison system, the criminal justice system, how many matters were in arrears, what was clogging up

Cannabis Control Bill, 2019 (cont'd)
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the system, and, Madam Speaker, we said the problem with our country as it relates to fighting crime is that we continue to pass laws without reference to how the laws operate, and worse yet how they operate together, and what has been missing in our country has been not necessarily the law. Look at past Attorney General Ramesh Lawrence Maharaj, passed some of the most impressive laws, the vast majority of them not implemented. Why? The land package, the preliminary enquires contemplations—

Mr. Hinds: Dogs.

Hon. F. Al-Rawi:—the Dangerous Dogs Act, when we looked to the plea bargaining legislation, a whole bunch of laws just not put into effect. Not because that hon. Attorney General did not do his part, but because successive governments did not pay attention to the following parameters. Plant and machinery, people, processes, and then the law, and that is why, Madam Speaker, we as a Government have been able to operationalize all of the laws that have come onto the books [*Desk thumping*] in large part and with the rest of them to be clinched.

Madam Speaker, do you know how pleased I am to see the amendment that this Bill proposes to allow the payment into and out of court? Do you know what that means? The payment into and out of court works with this law because we are saying under the fixed penalty system, technically in the fixed penalty system you have to take your notice to the court, pay with the notice. Madam Speaker, the payment into and out of court makes your life easy. You could file the notice electronically and you could pay electronically without ever having to go to the court and wait in a line.

Yesterday—no, Monday at the Attorney General's Office, we signed the agreement with the FCB Group to allow for electronic payments, credit card

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payments, debit card payments, cash payments online. [*Desk thumping*]

Mr. Deyalsingh: Well done.

Hon. F. Al-Rawi: Let me put that in context. The Electronic Transactions Act was passed in 2011, we are in 2019 headed to 2020. We gave a decision. What took us four years to do it, I will tell you what. We had to digitize the data because if you did not digitize the data, the system could not work. So we spent four years digitizing the Registrar General, Companies, births, deaths, motor vehicle offences, every driver's licence, passport information, your vehicle information at the registries. Madam Speaker, when you build the database is when you can actually apply the payments online. And so, Madam Speaker, this is how you make the structure work and the fixed penalty system has the advantage in this Bill of being able to work that way. So we are particularly proud, but, Madam Speaker, let me tell you what is really critical. Making sure that the law enforcement in this country has a chance to pay attention to the real crimes.

Madam Speaker, I have been informed tonight by the Trinidad and Tobago Police Service that in the last couple of days, millions of dollars have already been seized by the Trinidad and Tobago Police Service under the Proceeds of Crime Act in the change out of the hundred dollar bills. [*Desk thumping*] Millions of dollars. Does that matter to this country? Madam Speaker, the Proceeds of Crime Act deals with things like money laundering—the proceeds of crime there. So when we hear Caroni Central tell us they do not think out things like the hundred dollar bills—that is what the hon. Member said surly in jest. Madam Speaker, we have a very different view you know. Every dollar, let alone millions of dollars taken away from criminals in this country matters to us because we want to take the profit out of crime. We believe that if you take the profit out of crime, you

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give law enforcement a fighting chance, and the citizens of this country a fighting chance.

Dr. Tewarie: If all of them would line up.

Hon. F. Al-Rawi: And, Madam Speaker, nothing happens in life without discipline. If you have to line up, all of us have to line up. The process will certainly come to an end.

Madam Speaker: Hon. Attorney General, your original speaking time is now spent. You are entitled to 15 more minutes to wind up.

Hon. F. Al-Rawi: Should it please you.

Madam Speaker: Please proceed.

Hon. F. Al-Rawi: Madam Speaker, I think that this debate has effectively captured all of the concerns. This law is certainly proportionate, it is certainly constitutional. We have the opportunity today, as a Parliament, to do what no other Parliament did. My learned friends opposite had their turn at the wheel, some in actuality, as Naparima often is in that gear, and some figuratively.

The Opposition had a full five years and three months in their last tenure to do what we are doing today. They had a second turn at the wheel, because in the 1990s when they were in office they certainly did not treat with this law in the fashion that we do today. We welcome the bipartisan support today. I think that the time for this has arrived. I welcome my colleagues opposite supporting this law. I thank them for their reflections on the law. Certainly we have had some improvements happen in the course of this debate as the circulations proposed, and therefore, Madam Speaker, I beg to move both these Bills. [*Desk thumping*]

Madam Speaker: So, Attorney General, I heard you, but we will have to put them one by one.

Hon. F. Al-Rawi: Sure.

Question put and agreed to.

Bill accordingly read a second time.

Madam Speaker: Attorney General.

Hon. F. Al-Rawi: Madam Speaker, in accordance with Standing Order 68(1), I beg to move that the Cannabis Control Bill, 2019 be referred to a joint select committee hereby established, and that this Committee be empowered to consider and report on the general merits and principles of the Bill and report by the 29th of February, 2020.

Question put and agreed to.

Madam Speaker: Attorney General, next Bill.

DANGEROUS DRUGS (AMDT.) BILL, 2019

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I beg to move:

That a Bill to amend the Dangerous Drugs Act, Chap. 11:25, be read a second time.

Question proposed.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Madam Chairman: So Attorney General and Chief Whip, can we take 1 to 3 together?

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed: That clause 4 stand part of the Bill.

In the definition of “public place”, insert after the word “not” the words “but

does not include any premises in actual use as a dwelling which are not used for commercial purposes;”.

Mr. Al-Rawi: Madam Chairman, we propose that clause 4 be amended as circulated and the rationale is to amend in the definition of “public place”, limitation. We took on board the recommendations coming from colleagues, and we believed that we ought to circumscribe the “public place” definition by limiting it expressly as not including “any premises in actual use as a dwelling which are not used for commercial purposes”.

Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5 ordered to stand part of the Bill.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

- A. In paragraph (b)(ii), delete the word “male”.
- B. In paragraph (c) —
 - (a) insert after proposed subsection (2A), the following subsection:

“(2B) Subject to section 5B(2), a person who has in his possession—

 - (a) more than sixty grammes, but not more than one hundred grammes of cannabis; or
 - (b) more than ten grammes, but not more than fourteen grammes of cannabis resin,

commits an offence and is liable on summary conviction to a fine of seventy-five thousand dollars.”;
 - (b) renumber the existing subsection (2B) as subsection (2C);
 - (c) insert after renumbered subsection (2C), the following subsection:

“(2D) Where a person who is convicted of an offence under subsection (2B) fails or is unable to pay any fine imposed on him under that subsection, the Court may make a community service order requiring him to perform fifty hours of community service in accordance with the provisions of the Community Service Orders Act.”

- C. In paragraph (e), delete the word “male”.
- D. In paragraph (i), delete the word “and” in the third place where it occurs.
- E. Insert after paragraph (i), the following paragraph:
 - “(j) in subsection (8)—
 - (i) by inserting after the words “subsection (7)”, the words “and section 5C”;
 - (ii) by inserting after the words “premises of a”, the words “nursery, kindergarten, day care centre, early childhood care and education centre, Children’s Home,”.
- F. Renumber the existing paragraph (j) as paragraph (k).

Madam Chairman: Attorney General.

Mr. Al-Rawi: Yes, Madam Chairman. Madam Chairman, we propose that clause 6 be amended as circulated. In the first instance, we proposed that we delete the reference to “male plants.” It should just be “plants” per se.

Dr. Khan: I just want to ask you something. In the Act that we have initially, I think this is just—I am looking at the amended, this is now (g). (b)(ii)(g), just before the word “delete”, first line.

Mr. Al-Rawi: That is taken up a little bit later.

Dr. Khan: No, no, what I am saying—

Mr. Al-Rawi: Yes, the reference to male in that one.

Dr. Khan: Yeah. Are you missing out the (g)?

Mr. Al-Rawi: So lower down in these amendments, we capture male twice. In the first instance here, and in the second instance as you read further down. So in the first instance in paragraph (b)(ii) we delete the reference to male. We are then going, Madam Chairman, to treat with that category I spoke of in my debate, which is the bracket between 60 grammes and 100 grammes. So between 60 grammes and 100 grammes we are proposing the insertion of a new subsection (2B). So that (2B) will specifically, firstly, create the category of 60 to 100 grammes. Of course, we deal with the 10 grammes of resin, or not more than 14 grammes of resin. We say that you will be subject to 5B(2). 5B(2) is where we go the fixed penalty route. Okay? So subject to the fixed penalty route, a person who has in possession these quantities, commits an offence is liable on summary conviction to a fine of \$75,000. We will come a little bit later to—a little lower down we are renumbering (2B) to (2C).

After renumbered (2C) we are putting in a (2D). Here is where we will put you will be subject to community service. We are not using the 30 hours for the lesser sum. We are going up in the hours to 50 hours because we think that we need to differentiate between the amounts. We are then—this is where Baratara/San Juan was referring to the reference to male. This is the second reference to male which we are removing now, which would be what the hon. Member would have seen at page 4 of the Bill at (b)(ii) then (g). So that is the second reference to male.

Madam Chairman, we are also then inserting a new subclause (j), and to do that, of course, we have to remove the “and” from where it was, and then drop it

down a little bit lower down because we are adding in a new subclause (j) and then we are going to renumber what was paragraph (j) as (k). What we are doing here, and I thank my colleague, Ayanna Webster-Roy, we are putting the definition of “school” to be a little bit wider. In the parent Act, the definition of “school” is a sectional reference. It is in subclause (8). It is in subclause (8) of section 6—section 5, sorry. Section 5 of the Act is where you deal with possession, and subclause (8) is where we say in subsection (7):

school premises means premises of a school, college, university or other educational institutions and includes buildings, playing fields, et cetera—even though they are not part of it.

Minister Webster-Roy quite correctly pointed out that we would do much better to include “nurseries, kindergartens, day-care, childhood care, education centres and children’s homes” because they may arguably fall outside of the definition of an educational institution. It is for that reason that we have inserted the reference to section 5C. So we are piggy backing on the reference to school, we are including the children in the youngest version of that categorization and, Madam Chair, those are the round reasons for this amendment.

Dr. Tewarie: AG, may I ask a question?

Madam Chairman: Member for Caroni Central.

Dr. Tewarie: Since you are creating another category here of 60 to 100 grammes and you have the fine there if you contest and are found guilty, are convicted, the fine is \$75,000 you are saying, would you consider reducing the fine for 30 to 60 which is now 50,000?

Mr. Al-Rawi: No, because then there would be an easy flouting of the law for people who were open to it. Remember it is a graduated step, right?

Dr. Tewarie: I understand.

Mr. Al-Rawi: So under section 68 of the Interpretation Act stated some in legislation is the maximum sum. You can under the Summary Courts route, of course, go for a reprimand and discharge under section 71 of the Summary Courts Act, and you can literally walk out of court with nothing at all. It is necessary to keep a dollar limit inside of the equation, and I will remind that if we look to our insurance laws, if we look to our security laws, if we look to any of our financial crimes, failing to have a policy of insurance, for instance, you may be subjected up to \$500,000. In some instances financial crimes are up to a million dollars.

We think that the utilization of psychotropic substances is something that we have to be careful about. We have to be careful not to go too far away from our moorings on this. So we prefer to keep the 50,000 in the general amount, that is under 60, 30 to 60, and because we need to make a differentiation now for this category of 60 to 100—because the data shows from the courts that between 60 to 100 you really only going to walk out with a fine, and we have, therefore, applied that philosophy to treat with that amount. Forensics tells us that if we were to deal with this hundred bracket downward, we are looking at nearly 97 per cent of their work out the door and that is a huge, huge relief to the system.

Dr. Tewarie: All right. One more question. Do you think then that the corresponding community service of 30 days in the case of 50 hours, and 50 hour in the case of 75,000, do you think that that is correspondingly balanced with the fine that you are imposing?

Mr. Al-Rawi: Respectfully, yes. Remember again, that is an upper limit under section 68 of the Interpretation Act. It is within the discretion of the court to apply any combination. Under the community services Act itself, what happens is that you can have combination offences. So community service kicks in only after a conviction, and then the magistrate or judicial officer decides whether community

service will be the alternative as a part of, or in replacement for the conviction as the court has determined.

So we do think that there is a need to differentiate between the two. The 20 hours extra is the Parliament's reflection which we would like to see in the law of saying, "Look, we really do discourage the use of psychotropic substances." It is not something you really ought to be engaged in from a policy perspective at least from the Government's point of view.

Dr. Tewarie: All right, I hear you.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7.

Question proposed: That clause 7 stand part of the Bill.

A. In the proposed section 5A —

(a) in subsection (1) —

(i) delete the word "A" and substitute the words "Subject to section 5B(2), a";

(ii) delete from the words "two hundred" to the end and substitute the words "fifty thousand dollars";

(b) insert after subsection (1), the following subsection:

"(2) Where a person who is convicted of an offence under subsection (1) fails or is unable to pay any fine imposed on him under that subsection, the Court may make a community service order requiring him to perform thirty hours of community service in accordance with the provisions of the Community Service Orders Act.";

- (c) renumber the existing subsections (2) and (3) as subsections (3) and (4), respectively.
- B. In the proposed section 5B—
- (a) in subsection (2), insert after the words “section 5(2A)”, the words “or 5A(1)”;
 - (b) in subsection (16), insert after the words “section 5(2A)”, the words “or 5A(1)”.
- C. In the proposed section 5D—
- (a) in the marginal note, delete the word “sixty” and substitute the words “one hundred”;
 - (b) insert after subsection (1), the following subsection:
 - “(2) Notwithstanding any other written law, on or after the commencement of the Dangerous Drugs (Amendment) Act, 2019, a person who was charged for the possession of—
 - (a) more than sixty grammes, but not more than one hundred grammes of cannabis; or
 - (b) more than ten grammes, but not more than fourteen grammes of cannabis resin,before the commencement of that Act and is convicted in relation to that charge on or after the commencement of that Act, shall be liable to the fine specified in section 5(2B) and to be dealt with in accordance with section 5(2D).”;
 - (c) renumber the existing subsections (2), (3) and (4) as subsections (3), (4) and (5), respectively;

- (d) in renumbered subsections (3) and (4), delete the words “sixty” and “ten” wherever they occur and substitute in each place the words “one hundred” and the word “ten”, respectively;
- (e) in renumbered subsection (5), delete the words “(2) or (3)” and substitute the words “(3) or (4)”.

Madam Chairman: AG.

Mr. Al-Rawi: Madam Chair, we proposed that clause 7 be amended, as circulated. We are taking on board the recommendation that where you are treating with public place smoking, the recommendation came that we should not go as far as a fine of \$250,000 and penalty for up to five years imprisonment. So what we are proposing in these recommendations here is that we delete entirely \$250,000 and five years' imprisonment. We substitute instead the recommended sum of \$50,000. In the \$50,000 bracket we are, of course, making that subject to section 5B(2). 5B(2) is where we used the fixed penalty system. So in the public smoking context, your first interruption is your exposure to a fixed penalty.

The fixed penalty would be the same \$2,000 fixed penalty, and if you find yourself in trouble there, you can then go to the court, the community service kicks in, the community service after that kicks in your exposure to the \$50,000 fine which is in keeping with what we had for the possession of quantities between 30 to 60 would kick in, and that is what we proposed on that end. Of course, we then have your renumbering as paragraph C sets out.

9.45 p.m.

Madam Chairman, when we get a little bit lower down, it is at this point that we now treat with how to manage that gap of 60 to 100. So very importantly, this clause 7 is the “logjam buster”, if I can call it that. It is in clause 7 that we find the treatment in 5D. This is at page 13 of the Bill. 5D is where we will deal with,

originally in the Bill, where a person is charged:

“...for the possession of not more than sixty grammes...and not more than ten grammes of...resin before the commencement of the Dangerous Drugs (Amendment) Act, 2019, may apply to the court for a discharge of that offence.”

That gives the retrospectivity clearly but it would only have treated with the 60 to zero bracketing.

What we propose, Madam Chairman, is that we move that limit up to 100 grammes and of course, we would have to amend the amount from 10 grammes to 14 grammes. So if I could point out, Madam Chairman, that page 6 of these circulated amendments at paragraph D, which is the penultimate paragraph—Sorry, forgive me, at page 3—mine is numbered 6 mistakenly—you will see paragraph D. In the last line you see the word “ten” in the inverted commas, that should be “fourteen”, so if we could just change that to “fourteen”.

And what we are saying here is that we are going to apply for the persons in the bracket to 60 grammes to 14 grammes, 60 grammes to 100 or 10 grammes to 14, we are going to say that they may be liable to the fine specified in 5(2B) and to be dealt with in accordance with 5(2D). In other words then, they can get to the court and take the benefit of putting themselves before the court, asking for the lesser treatment, asking for community service if necessary as an alternative to incarceration. That helps all of the people who may be incarcerated at present, and therefore we soften the approach in this point.

We are allowing in the reference here to the retrospectivity an expressed reference that the benefit of this law, upon commencement, after proclamation, will apply to persons charged previously. That is in keeping with the learning in the Privy Council decision in the Liyanage case. Madam Chairman, that is the

rationale for the series of amendments proposed as circulated and as amended at subparagraph (d) at page 3 of the amendments.

Madam Chairman: Member for Barataria/San Juan.

Dr. Khan: Hon. AG, I just want you to walk me back through that smoking in a public place.

Mr. Al-Rawi: Sure. Okay, so if we look to page 13 of the Bill—sorry, not page 13, let us get back to page 7. At clause 7, paragraph 5A. You see it there? One, it will now read this—subject to 5B(2) that is the fixed penalty tick off. Right?

“A person who smokes or uses cannabis or cannabis resin in a public place commits an offence and is liable, on summary conviction, of a fine of fifty thousand dollars.”

From there, you slingshot to 5B(2). 5B(2) will be the clause that now treats with—let us get that. So page 8, bottom of the page:

“Where a police officer has reason to believe that a person is committing or has committed an offence under 5(2A).”

We are adding in there now the reference to one that we have just amended. Got me? So we are going to add in 5A(1). You see it? So 5A(1) now correlates to (2) so they both get the fixed penalty notice and we do the same thing for the community service.

Dr. Khan: What I am gathering from you here, right, if he is smoking in a public place, a police could give him a fixed penalty for the \$2,000.

Mr. Al-Rawi: Yes.

Dr. Khan: When does the 50,000 kick in? Only on summary conviction?

Mr. Al-Rawi: Yes. So 50,000 happens if you do not pay the fixed penalty notice, you end up in court, the court goes through a process and says you are guilty. The maximum that you can be exposed to is 50,000. However, this Bill proposes that

before you get to that, you may get community service. Yeah?

Dr. Khan: Fair enough. No, I just wanted clarity. All right, thanks.

Madam Chairman: The question is that clause 7 be amended as circulated and further amended to change the number “ten” to “fourteen” in clause 5D(3).

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 and 9 ordered to stand part of the Bill.

Question put and agreed to: That the Bill be reported to the House.

House resumed.

Bill reported, with amendment, read the third time and passed.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis):

Thank you very kindly, Madam Speaker. I beg to move that this House do now adjourn to Monday the 16th day of December at 1.30 p.m. at which time we will do the Administration of Justice (Indictable Proceedings) (Amdt.) (No. 3) Bill, 2019.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 9.54 p.m.