

SENATE*Tuesday, October 06, 2026*

The Senate met at 1.30 p.m.

PRAVERS[MR. PRESIDENT *in the Chair*]**PETITION****St. Mary's College Past Students' Union****Mr. President:** Sen. Anthony Vieira SC.**Hon. Senators:** [*Desk thumping*]**Sen. Anthony Vieira SC:** Mr. President, I beg to present a petition on behalf of the St. Mary's College Past Students' Union of 75 Frederick Street, Port of Spain, Trinidad.

I move that the clerk be allowed to read the petition.

*Petition read.**Question put and agreed to:* That the petitioners be allowed to proceed.**Hon. Senators:** [*Desk thumping*]**ANSWER TO QUESTION****Mr. President:** Leader of Government Business.**Hon. Senators:** [*Desk thumping*]**The Minister in the Office of the Prime Minister (Hon. Darrell Allahar):**

Thank you, Mr. President. Mr. President, the Minister in the Ministry of Finance, Sen. The Hon. Dr. Kennedy Swaratsingh, will answer question No. 12.

Mr. President: Sen. Dr. Marlene Attzs.

ORAL ANSWER TO QUESTION
Government's Policy for Facilitating Foreign Franchise
(Details of)

12. Sen. Dr. Marlene Attzs asked the hon. Minister of Trade, Investment and Tourism:

With respect to the Government's policy for facilitating foreign franchise investment in Trinidad and Tobago, and its implications for the country's foreign exchange position, can the Minister state:

- (i) whether the Government has established a policy framework for assessing the foreign exchange implications of approving or facilitating the establishment or expansion of foreign franchise operations;
- (ii) if the answer to (i) is in the affirmative, whether such framework evaluates the anticipated foreign exchange outflows associated with franchise fees, royalties, imported goods and services, and profit repatriation; and
- (iii) whether such framework includes an assessment of the net economic benefits, including employment creation, tax revenues, local procurement, technology transfer and foreign direct investment?

Hon. Senators: [*Desk thumping*]

Mr. President: Minister in the Ministry of Finance and Minister of Planning, Economic Affairs and Development.

The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance (Sen. The Hon. Dr. Kennedy Swaratsingh): Thank you, Mr. President. Thank you, Member, for the question. I have been authorized by Cabinet to answer the following. Part (i) of the question: The Government has

not established a standalone policy framework specifically for assessing the foreign exchange implications of foreign franchise operations and, as such, parts (ii) and (iii) therefore do not arise in relation to such a framework. Thank you, Mr. President.

Mr. President: Sen. Dr. Attzs?

Sen. Dr. Attzs: Thank you, Mr. President. Supplemental. In the absence of a framework, how are decisions taken in terms of granting franchises?

Mr. President: Minister of Planning.

Sen. The Hon. Dr. K. Swaratsingh: Mr. President, I can get the current position and revert to the hon. Member.

Sen. Dr. Attzs: Just to confirm, Minister, in writing? Please?

Sen. The Hon. Dr. K. Swaratsingh: Yes.

Sen. Dr. Attzs: Thank you, Mr. President.

**MISCELLANEOUS PROVISIONS (ALCOHOL, CANNABIS,
DANGEROUS DRUGS, GAMBLING AND TOBACCO) BILL,
2026**

Mr. President: Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General (Sen. The Hon. John Jeremie SC): Thank you, Mr. President. Mr. President, I beg to move:

That a Bill entitled an Act to amend the Dangerous Drugs Act, Chap. 11:25, the Registration of Clubs Act, Chap. 21:01, the Tobacco Control Act, Chap. 30:04, the Children Act, Chap. 46:01, the Liquor Licences Act, Chap. 84:10, the Gambling (Gaming and Betting) Control Act, No. 8 of 2021, and the Cannabis Control Act, No. 10 of 2022; and to provide for related matters be now read a second time.

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Mr. President, in presenting this Bill to the House, I wish to begin with some introductory remarks on the importance of the legislative reform that we seek this afternoon. This afternoon, we on this side view that the responsibility of Government is to confront the harms that we know, to recognize foreseeable risk, to listen carefully to the evidence and where harm can reasonably be prevented, to act before the consequences become more difficult to reverse. It is our duty to strengthen the protections we leave for those who come after us. This afternoon, that responsibility requires us to ask a simple question. At what point should law place certain choices within or without the reach of our young people? When evidence tells us that age matters, that early exposure to alcohol, nicotine, cannabis and gambling can increase the likelihood of independence, harmful patterns of use, injury or other lasting consequences, our duty to act is triggered.

When I moved this Bill in the other place, the main complaint of my colleagues opposite was that the Bill lacked consultation. I said then, and I repeat now, that the basis of the legislative reforms that we engage in formed part and parcel of the express mandate which the Government sought in the lead-up to the elections of 2025. In addition to that, there has in fact been considerable discussion on all of these matters for a period of time in the national space. The Bill before the Senate this afternoon represents, in fact, a significant component of the Government's ongoing programme of legislative reform that is aimed at strengthening the protections afforded to the people of Trinidad and Tobago, particularly those who stand at the threshold of mature adulthood.

At the heart of the Bill lies a clear and compelling public policy objective that is the Government's responsibility to safeguard the young from the harmful and often

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irreversible consequences associated with the consumption of alcohol, tobacco, and cannabis, as well as the growing dangers posed by gambling-related activities. There exists a substantial body of medical, social and scientific evidence which demonstrates that early exposure to addictive substances and high-risk behaviours can adversely affect physical health, cognitive development, emotional well-being, educational attainment, future economic prospects and harmful social behaviours.

1.45 p.m.

The repercussions of such exposure frequently extend beyond the individual, impacting families, communities, institutions, and the wider national fabric. The Government has therefore concluded that decisive and responsible legislative intervention is necessary.

Accordingly, the Bill proposes a series of targeted amendments designed to strengthen the legal safeguards currently contained within several enactments. Among the principal reforms is the increase of the minimum legal age for the sale, purchase, possession, or consumption of alcohol and tobacco products from 18 to 21.

Similarly, in an amendment made in the other place with respect to vaping, it is now proposed that the minimum legal age for the use, purchase, or possession of a vaping product shall be 21 years of age.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Further, recognizing the unique health and developmental risks associated with cannabis use among younger populations, the Bill proposes that the minimum legal age relating to the sale, purchase, possession, or consumption of cannabis be increased from 18 to 25.

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With respect to gambling activities, the Bill seeks to establish the age of 25 as the minimum permissible age for participation. This measure reflects mounting concerns about the vulnerability of younger persons to gambling-related harms, including financial instability, addiction, relationship breakdowns, family violence, social isolation, and increased risk of mental illness and suicide.

Mr. President, these proposals have not been advanced lightly. They are founded upon considerations of public policy, public safety, youth development, and social responsibility. They reflect an evidence-informed policy intended to reduce preventable harm and to create conditions under which our young people can realize their fullest potential. I am told that the hon. Minister of Health will join us to provide his data on these matters.

At the outset, it is useful to clarify the categories of persons to whom reference will be made throughout my presentation. Under the laws of Trinidad and Tobago, the Age of Majority Act prescribes that full legal age is attained upon reaching 18 years of age.

Consequently, within our domestic legislative framework, a child is generally understood and consistently defined to be a person who has not yet attained the age of 18 years. And I speak now without the reference to a child in the criminal context, where you have other factors. There are Latin expressions which govern when a child can form intent and so on.

The possession is different with respect to the terms adolescent and youth. These expressions do not at present enjoy statutory definition under our laws and must therefore be understood by reference to established international instruments. The United Nations and the World Health Organization recognize an adolescent as

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a person between the ages of 10 and 19. Similarly, both institutions recognize youth as encompassing persons between the ages of 15 and 24 for statistical and, importantly, for developmental purposes.

Mr. President, these classifications are far more than academic descriptions. They reflect distinct stages of human development characterized by differing levels of biological maturation, psychological growth, emotional resilience and social integration. Their widespread acceptance within health, education and development policy serves to remind policymakers that vulnerability is neither static nor uniform. Rather, it evolves throughout the life cycle and requires legislative responses that are appropriately calibrated to the needs and capacities of different age groups. The importance of this issue becomes even more evident when one considers the demographic realities confronting our nation.

According to projections published by the United Nations Population Fund (UNFPA) Report of 2025, the population of Trinidad and Tobago stands at approximately 1.5 million persons. Of that total, approximately 19 per cent of our population, representing some 285,000 individuals, fall within the age group 10 to 24. This is not an insignificant demographic cohort. It represents a substantial portion of the nation's future workforce, future leadership and future productive capacity.

Yet, it is a population increasingly exposed to a confluence of public health challenges, including the rising prevalence of NCDs, non-communicable diseases, deteriorating mental health outcomes and a range of social and economic factors that negatively influence health and well-being. No responsible government can ignore these realities.

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Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: We cannot remain passive observers, while a significant proportion of our nation's human capital faces risks that may compromise their future health, productivity and contribution to national development.

It is against this backdrop that this Government has deliberately adopted a broader and more modern policy approach. The intent of these reforms is not confined solely to the protection of children, adolescents and youth as conventionally understood. It extends equally to persons who fall within what contemporary scholarship identifies as the developmental stage of emerging adulthood, generally spanning the ages of 18 to 25.

Mr. President, although persons within this age bracket have attained the age of majority and enjoy the rights and privileges of adulthood, research increasingly demonstrates that important aspects of neurological, psychological and emotional development continue throughout this period. Consequently, individuals within this cohort often remain particularly susceptible to risk-taking behaviour, addiction, harmful social influences and decisions that unfortunately may adversely affect their long-term welfare. There are several defining characteristics of “emerging adulthood”. Those include in the literature, identity exploration, instability, self-focus, a lack of self-focus, a sense of transition, of being in between, an enhanced perception of the lack of future possibilities.

While these attributes may present opportunities for personal growth and self-discovery, they may also create vulnerabilities that expose young adults to behaviours capable of causing lasting physical, psychological and economic harm.

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Accordingly, the policy position of this Government is that the law must reflect the realities of contemporary human development. The reforms proposed in the Bill seek to extend meaningful statutory protections beyond the traditional category of minors and to include those emerging adults who remain particularly vulnerable during this formative stage of life. The policy rationale for the reforms is reinforced by empirical evidence.

Of particular significance is the 2024 PAHO, Pan American Health Organization, Trinidad and Tobago STEPS survey, which examined the prevalence of risk factors associated with NCDs among the population.

The survey sampled 4,052 adults between the ages of 18 and 69 and revealed several troubling trends. Most notably, alcohol consumption increased significantly from 40.6 per cent in the 2011 survey, to 51.5 per cent in their 2024 survey. Tobacco use likewise remained a serious concern, with 21.3 per cent of respondents reporting tobacco consumption.

Perhaps most striking, however, was the finding that among persons between the ages of 18 and 44, a group broadly representative of prime adulthood, that is what it is described as under the literature, 28.4 per cent possessed three or more risk factors associated with the development of NCDs. We say that these findings underscore the urgent need for preventative intervention.

It is widely accepted in this jurisdiction by academics that experimentation with alcohol and tobacco, including vaping, frequently begins during adolescence and continues into early adulthood. Research has consistently demonstrated that younger persons are less likely to appreciate the full extent of the risks associated with substance abuse, including dependency, impaired judgment, and the

cumulative effects these substances may have upon their physical and mental well-being. Early initiation into alcohol and tobacco use has been identified as a significant predictor of adverse social outcomes, substance dependence, and the later development of NCDs.

In reflecting upon this challenge, it is useful to note observations made by a former Independent Senator, Dr. Varma Deyalsingh, who, in an article published in the Trinidad *Guardian* newspaper of the 11 July, 2025, entitled:

“Youth protection and substance abuse”

—describes alcohol as a perversive social problem embedded within the cultural landscape of Trinidad and Tobago. He observes that alcohol consumption becomes normalized across many aspects of social life, including family celebrations, community events, sporting activities, and national festivals.

As a consequence, he says, many young people become accustomed to these behaviours long before they are capable of understanding the risks that accompany them.

2.00 p.m.

The concerns arising from the use of alcohol extend well beyond questions of personal choice. The Ministry of Health, through its National Alcohol and Drug Abuse Prevention Programme, NADAP, has advised that alcohol consumption may adversely affect cognition, judgment, decision-making and behavioural control. Those consequences are not confined to the individual user and frequently manifest in conduct which places others at risk.

Data gathered by the Trinidad and Tobago Crime and Problem Analysis Branch of the police service illustrates that reality. In 2025, there were 709 arrests

for driving under the influence of alcohol, representing the highest figure recorded since 2019. Driving while impaired remains one of the more serious public safety concerns confronting our society. The health implications are equally troubling when it is said that the excessive use of alcohol is linked to a range of physical and psychological conditions, including anxiety, depression, domestic violence, impaired sensory function, cardiovascular complications and liver disease. The burden created by these outcomes is borne, not only by individuals, but also by families, communities and the national health care system.

Guidance provided by NADAP indicates that these issues are not limited to alcohol. Similar concerns arise in relation to tobacco and cannabis. Guidance provided by NADAP indicates that the use of tobacco and cannabis carries significant health risks, regardless of the method of consumption. These substances have been associated with respiratory illnesses, chronic bronchitis, emphysema, infections of the respiratory tract, and various forms of cancer affecting the lungs, mouth and throat. There was also evidence that prolonged use may adversely affect neurological functioning and contribute to psychological conditions, including psychosis, paranoia, impaired learning capacity and substance dependence.

A particularly disturbing trend has emerged in recent years. Cannabis and other controlled substances are increasingly being presented in forms which may appear harmless or attractive to younger persons. Products such as gummies, brownies, cupcakes and edible items have created new avenues through which children and adolescents may be exposed to dangerous substances. Young people may be introduced to substance abuse through peer influence, social acceptance,

curiosity or observation of the behaviour of trusted adults. In some instances, exposure occurs within the home itself, thereby creating the impression that such conduct is harmless or socially desirable. These concerns have been highlighted by clinical and counselling psychologist, Nidhi Kirpalani, in an article entitled:

Experts sound warning on children smoking Ganja
—published in the *Sunday Newsday* on the 19th of January, 2020. Ms. Kirpalani observed that children often formed views about behaviour by observing those around them. Where substance use is presented as commonplace, acceptable or rewarding, children come to regard it as a positive and desirable activity. She further noted that adolescents who are often seeking acceptance, belonging and identity may be especially vulnerable to experimentation with these drugs, particularly in environments where such substances are readily available.

Trinidad and Tobago has international commitments which reinforce the need that we see for decisive action in this area. At the 30th Special Session of the United Nations General Assembly on the World Drug Problem in 2016, Member States reaffirmed their commitment to adopting effective, balanced and proportionate responses to drug-related challenges. Of particular significance was the recognition that substance abuse must be treated principally as a public health issue. This approach places renewed emphasis on prevention, treatment, rehabilitation and recovery, while acknowledging that young persons and vulnerable populations are frequently those most affected by drug-related harms. The international consensus appears to be clear. Sustainable solutions require governments to adopt comprehensive strategies that protect vulnerable groups while addressing the social and health consequences of addiction. In advancing the

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reforms contained in this Bill, the Government remains fully aligned with those obligations and principles.

It is not the policy of this administration to impose additional age restrictions upon adults seeking to participate lawfully in licensed industries or legitimate commercial activities. The Bill does not alter the statutory age requirements governing the grant or transfer of licences under the relevant enactments.

Accordingly, under section 30 of the Liquor Licences Act, an individual who has attained the age of 18 remains eligible to apply for a licence. Under section 32 of the Gambling (Gaming and Betting) Control Act, a person 18 years of age or older remains eligible to apply for a licence. Under section 30 of the Cannabis Control Act, a person who has attained 18 years may apply for any licence issued pursuant to that Act.

It is for this reason that in the other place, a provision was included in the Bill, in the proposed new section 38A of the Children Act, which provides that there is no need for a person between 18 and 21 who handles, sells, supplies, or is in possession of alcohol or tobacco products during the course of his lawful employment to breach the terms of the Act.

Now, I turn to a summary of the Bill, having outlined the policy considerations which inform the legislation. The Bill seeks to amend seven pieces of legislation: The Dangerous Drugs Act, the Registration of Clubs Act, the Tobacco Control Act, the Children Act, the Liquor Licences Act, the Gambling (Gaming and Betting) Control Act, and the Cannabis Control Act of 2022. Taken together, the amendments are intended to establish a robust legislative framework for the protection of young adults from the harmful effects of substance abuse and

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problem gambling.

At the core of the Bill is the proposed adjustment of the minimum permissible ages applicable to certain regulated activities. The Bill also introduces a more stringent enforcement regime. Enhanced penalties are proposed for individuals who contravene the newly established age restrictions, whether through unlawful possession, use or consumption of alcohol, tobacco, cannabis, or other dangerous drugs, or through participation in prohibited gambling activities.

Correspondingly, the Bill proposes increased sanctions for persons who facilitate such conduct by supplying, selling or providing these substances to persons within the prohibited age groups, or who otherwise enable prohibited activities. These measures reflect the seriousness with which the Government views such conduct and underscore the importance of deterrence as an instrument of public policy.

A fixed penalty regime designed to promote both efficient enforcement and rehabilitation is also proposed. Where a person commits specified offences, they may opt to pay the fixed penalty, or in lieu of payment of the fixed penalty, to undertake a prescribed rehabilitative programme. This rehabilitative programme would include community work or counselling conducted by a faith-based organization or a qualified psychologist.

Mr. President, what we propose to do today is no different from that which has been attempted in certain other jurisdictions. The experience of those other jurisdictions, while not at all binding on us, is instructive. Other governments have approached the responsibility of treating with the dichotomy posed by minimum age limits, ages where you allow people to vote, and age limits which one is

required to attain before one engages in other conduct.

In the United States, the Centers for Disease Control and Prevention, in their May 2024 report, entitled:

“Why A Minimum Legal Drinking Age of 21 Works”

—now in the US, the age of majority is 18—states plainly that:

Minimum legal drinking age—“...laws save lives and protect everyone, especially young people, from alcohol-related...”—crime.

Their CDC reports that when the national minimum age of 21 was adjusted:

“...states that raised their...”—minimum legal drinking age—“...to 21...”—experienced—“...a 16%...”—reduction—“...in motor vehicle crashes.”

The report goes on to say that:

“About 4,000 people under the age of 21 die in the United States every year from excessive drinking—either directly or indirectly.”

There are other territories. In Canada, there is a federal standard. States are allowed to legislate for ages above that standard, and Quebec has. They have carried the age to 21.

Mr. President: AG, you have 10 more minutes.

Sen. The Hon. J. Jeremie SC: Thank you, Mr. President. Sri Lanka, Lithuania and Singapore provide other examples. In Singapore, the Government progressively raised its minimum legal age from 18, starting at the age of majority, to 19, then to 20, and then ultimately to 21.

Mr. President, the position with respect to tobacco is the same with respect to alcohol. Cannabis requires, I think for us, some special treatment in the sense that we have had CARICOM intervention in this area. CARICOM set up, in 2014, a

Regional Commission on Marijuana to establish the social, economic, health and legal implications of marijuana use, and to establish possible approaches to law reform across the community. Now, a report was produced in 2018, and that report said that:

“...the average age of initiation to cannabis...in the Caribbean...”—was approximately—“...13 years...”

The Commission stated that because:

“The adolescent brain is in a stage of critical development...”—it is particularly—“...susceptible to the effects of marijuana.”

When the matter was considered by heads at the 39th Regular Meeting in Montego Bay, the following was reported. The Conference also noted that:

“...conclusive evidence that exists...”—indicated—“...the negative effect”—of marijuana—“on the adolescent brain...”

Those include infant birth weight and on driving. They said:

“...cannabis/marijuana use...”—before the age of 24 was—“...not recommended...as it may affect memory, learning and attention...”—they put—“...youth at risk for early onset of psychosis.”

Now, the Bill is nine clauses in length. I will not attempt to treat with the first couple clauses. I want to carry colleagues to clause 5 of the Bill, which raises the minimum age for the sale and possession of tobacco products to 21; to clause 6, which seeks to amend the Children Act and to strengthen penalties applicable to those persons who expose children to dangerous drugs; to clause 7, which amends the Liquor Licences Act and prohibits persons under the age of 25 from engaging in amusement game activities on licensed premises; to clause 8, which seeks to

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amend the Gambling (Gaming and Betting) Control Act to prohibit gambling by a person under the age of 25; to clause 9, which would amend the Cannabis Control Act to increase the penalty for the unauthorized use of medicinal cannabis and to provide that a sacramental dispensary shall only dispense to a person over the age of 25.

Now, Mr. President, some may contend that the restrictions contemplated by the legislation, particularly those affecting persons who have attained the age of majority, amount to an unwarranted intrusion into individual freedom and the constitutional right to respect for private and family life guaranteed under section 4 of the Constitution. I need not trouble us with *Suratt* and *Suraj*, save to say that it requires the Parliament to recognize that constitutional rights do not exist in isolation and separate and apart from the broader interests of the society. So that the question always is whether the legislative objective pursued by the Bill is sufficiently important to justify a measured limitation upon those interests. In the Government's respectful view, the answer to that question this afternoon is in the affirmative.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: We say that few governmental objectives can claim a stronger foundation in the public interest than the protection of the health and well-being of the population; that there is medical evidence, public health research, both outside of the Caribbean and inside of the Caribbean, to justify the measures which we propose. With those words, Mr. President, I beg to move.

Hon. Senators: [*Desk thumping*]

Question proposed.

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Mr. President: Sen. Faris Al-Rawi SC.

Hon. Senators: *[Desk thumping]*

Sen. Faris Al-Rawi SC: Thank you, Mr. President. Mr. President, I rise to give my contribution on behalf of this miscellaneous provisions Bill. I have to confess that this law took me quite some time to read, re-read and to factor in its many aspects. The Bill itself is a 91-page Bill. However, there are aspects of it that repeat and therefore, the length of the Bill may be somewhat deceiving, but its complexity, notwithstanding that caveat, is in my view quite considerable.

We rise each time and contribute under section 53 of the Constitution for peace, order and good governance of our country. In doing that, Mr. President, it is certainly always the intention that we look to the legitimacy of the aim of the legislation before us. We look next to its rational connection to the aim, that is, that the prescription offered by the Bill is rationally connected to the legitimacy of the aim. We then look to the aspect of how far those amendments go and whether they are effectively balanced adequately in a society such as ours that respects democracy, rule of law and other aspects of our cherished legal precedent and system. In doing that, Mr. President, I can say that, yes, there is a legitimate aim. The legitimate aim is essentially the protection of minors, young persons and young adults.

The Bill does provide across several laws which are proposed to be amended, that is, the Dangerous Drugs Act, Chap. 11:25; the Registration of Clubs Act, Chap. 21:01; the Tobacco Control Act, Chap. 30:04; the Liquor Licencing Act, Chap. 84:10; the Gambling (Gaming and Betting) Control Act No. 8 of 2021; and the Cannabis Control Act No. 10 of 2022. Those six laws are enveloped in a very

important law which sits right in the middle of the Bill, that is, the Children Act; the Children Act, Chap. 46:01. Now, I started off by placing this into the basket that it is in and with the wrapping of the Children Act in understanding how we ought to approach the amendments before us.

Mr. President, I believe that the Bill, with a legitimate aim in mind, my submission this afternoon is going to be that it deserves more attention, that detail is required. The hon. Attorney General took us through the policy considerations but not through the prescriptive aspects of the full 91 pages. That, Mr. President, is indicative of the fact that we need to spend some time on this. Regrettably, 40 minutes does not permit us each to go through the particulars of 91 pages. Therefore, Mr. President, permit me to speak at the higher level of some of the prescriptions in the clauses with the policy.

Now, Mr. President, the Children Act treats with a few aspects of children. A child is defined as a person under 18 years of age. We know that. When the Children Act, 2012, came about, there were a few aspects of it that we wrestled with, Mr. President. I wrestled with it, right in the Senate back in those days in 2012. One was child marriage. We knew and spotted that and said we would leave it for another day. The second major aspect was how far we were going to go into sexual activity between children and those who were slightly above them in age. We came up with a clause called the “Romeo clause”, permitting a relationship by consent for persons up to 21 years of age, provided you were just under 18, et cetera. The third aspect considered another aspect of sexual offences. The fourth aspect considered tobacco and alcohol, and exposure to children.

Now, Mr. President, very recently, we amended the age of discretion for

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sexual offences to 14. We accepted that the common law, and then, as it became statute, had younger children, ages 10 to 14; older children, 14 to 16; even 16 to 18 as well; and then you dealt with the aspect of children who were just ageing out of the age 18. The Children Act in—

Mr. Sturge: Mr. President, 48(1).

Mr. President: I am allowing him to continue, please.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Mr. President, I am dealing with clause 6, the Children Act. I do not know where the hon. Minister has come from, but I invite him to read the law before us. The Children Act, Mr. President, which I am treating with, which is clause 6, which treats with a movement in the age of discretion, expressly now treating with children between the ages of 10 to 18, constitutes a deviation from policy most recently applied to children with the age of discretion moving to 14 in law.

Now, Mr. President, when we get to the underpinnings of the operation, I propose to provide a submission in relation to how the fixed penalty notice applies across clauses 3, 4, 5, 6, 7, 8 and 9. I propose as well, Mr. President, to treat with the adequacy of reading the law and having it understood for persons, particularly in relation to the Dangerous Drugs Act, which is clause 3.

Now, Mr. President, I was quite surprised that the hon. Attorney General did not speak to the data in Trinidad and Tobago which ought to be driving our discussion. I say that, Mr. President, as the promoter and drafter of the amendments to the Dangerous Drugs Act myself in 2019, in relation to the decriminalization of certain quantities of cannabis, and also as the promoter and

advocate for the Cannabis Control Bill which we seek to amend in clause 9, and having sat in the Joint Select Committees that treated with that Cannabis Control Bill, the thing which drove us, and which the hon. Attorney General spent nearly 30 minutes on, the policy considerations behind this Bill, I wish to respond to.

The data in Trinidad and Tobago told us and informed the law, which we are now seeking to amend—the Dangerous Drugs Act, the Children Act and the Cannabis Control Act, in particular clauses 3, 6 and 9, Mr. President—that data told us in Trinidad and Tobago that there was a significant problem on the base of our society's entry point into the prison system.

2.30 p.m.

In fact, Mr. President, the Judiciary's information—the Trinidad and Tobago Police's information—demonstrates that in the period 2007 to 2018, nearly 10 years, Mr. President, 68,730 people were charged for possession of marijuana in Trinidad and Tobago. In that total, 11,506, which is 14 per cent of that total, was for marijuana for the purposes of trafficking. That is large volumes, which we do not treat with in this Bill, so I will skip past that. Cultivation of marijuana, which we do treat with, in clause 4 of this Bill, there were 555 persons charged. Gathering of marijuana, 24 people were in gathering, which clause 4 also treats with. So, in the magistrate's offences, the Magistrate's Court, marijuana-related matters in Trinidad and Tobago demonstrated that over a 10-year period, 80,815 Trinidad and Tobago statistical inputs were recorded; persons before our courts.

Now, Mr. President, when we took that and we disaggregated that further, we noted that in Trinidad and Tobago, close to 8,000 persons a year, largely urban black Trinidadian males and Tobagonian males, between the age groups of 16 to

25, constituted the largest number, proportion and percentage of persons coming into the system. The rationale, which is touched today in clause 4, and in clause 6, and in clause 9, Mr. President, was and still is: How do we treat with persons who are coming into conflict with the law? How do we treat with children who are coming into conflict with the law? How do we treat with persons who are in need of care and assistance, be they children or not?

Now, Mr. President, in working on the review of the cannabis control law and the Dangerous Drugs Act, before I left in 2022, before I was moved to the Ministry of Rural Development, Mr. President, I had asked for statistical information, which I would like to put on the record relevant to this debate today. We sought to gain consultation from a host of persons: The Law Association, the Children's Authority, the Trinidad Tobago Police Service, the Trinidad Tobago Prison Service, the Ministry of Education, Vision on a Mission, rehabilitative centres, Mr. President. We went far and wide. But it is the statistical information from the Judiciary that caused me the most amount of pause, and I wondered why the hon. Attorney General has not yet—perhaps someone else will—bring statistical information to us.

But the statistics from the Judiciary, who was asked to give us information as to what has happened in the court system since 2019, since the Dangerous Drugs Act amendments came into place, that we now seek to amend today in a very significant way, what happened? Here is what the Judiciary said, Mr. President. The Judiciary described that there was a, and I want to quote it:

“Since the proclamation of the Dangerous Drugs (Amdt.) Act, 2019, the Judiciary observed a 78% drop in the average number of drug related

matters filed annually at the Magistracy (from 6,618 to 1,450) or a drop in monthly average from 551 to 114”.

Now, Mr. President, that is not a small drop—a 78 per cent drop as a result of the law. That does not tell us that we are on the right track necessarily. That is now dated at 2022;. We stand in 2026; the statistics will no doubt have moved. But, Mr. President, when we get to the Judiciary’s position, it shows, Mr. President, that the statistical information coming into children in conflict with the law, clause 6, we are treating with the Children Act and children in conflict with the law. We are now taking them from age 10 there, and we have the drug treatment facilities in the Children’s Court, Mr. President. The question inside of here is: What was the effect of decriminalization on the ground, and in the court, and in the prisons?

Well, we know for a fact, as of 2022, there was a 78 per cent drop in the court. We know for a fact, therefore, that there was a corollary and a drop in the prison system. We know—because, Mr. President, I led litigation then, to remove people out of incarceration who were in fact in prison for small amounts of cannabis, Mr. President. But today I invite the Government to speak to the statistical output coming from the TTPS, from the Judiciary, et cetera, so that we are informed in this debate whether we should take on the submission now to remove in the manner that we do, decriminalization options for children, for young persons in the manner that we treat.

So let us go to clause 4. Let us go to the Dangerous Drugs Act. But before we go there, Mr. President, I note that there is something in Trinidad and Tobago called the Drug Information Network of Trinidad and Tobago, and in that Drug

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Information Network of Trinidad and Tobago, another entity which provided data to the then Government, we saw, Mr. President, that eradication of illicit cultivation in 2016, 3.8 hectares were cleared, whereas in 20 [Inaudible] 7 hectares were cleared.

In terms of cannabis-related convictions, the convictions fell from 387 in 2016 to 245, and that is general convictions—possession, trafficking, et cetera. Possession fell from 345 to 205. Impacting treatment—persons seeking treatment for cannabis, the figure fell from 21 to five, for alcohol 35 to eight; crack 66 to 23; cocaine five to eight, et cetera. So, Mr. President, there is data in Trinidad and Tobago, and I am wondering why it is not here in this debate.

Now, Mr. President, let us get to clause 4 of the Bill. Clause 4 of the Bill really sets a precedent for how we are going to treat with every other aspect of treating with this. Mr. President, what time is full time, if I may inquire?

Mr. President: 3.03 p.m.

Sen. F. Al-Rawi SC: Okay. So, Mr. President, in clause 4, we are amending the Dangerous Drugs Act. We know that the Dangerous Drugs Act says, before its amendment, now invited, that if you are in possession of a quantity of cannabis under 30 grammes or under 5 grammes of resin, you are off free. If you are in possession between 30 grammes and under 60 grammes, Mr. President, in section 5 (2)(a), which we seek to amend in clause 4 today, then you have a \$2,000 fixed penalty ticket option, you can either pay it or challenge it. If you find yourself before the court because you did not pay or you did not challenge, the court can then have an option under the Community Services Orders Act, to send you for rehabilitation, for counselling, or for psychiatric assessment.

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We know that the Children Act would apply, in particular, because children in conflict with the law, children in need of care, would come to the attention of the Children's Court in its anonymized treatment of records, et cetera. But, Mr. President, what clause 4 does here is that it sets up for us the fact that we are expressly saying—but without reference— So here is a first point, which is the confusion of the law. The manner in which it is expressed, we are saying, if you are anybody—if you are under 25-years old, and you have possession of cannabis under 30 grammes, Mr. President, if you read the Dangerous Drugs Act alone, you are invited until you get to the Children Act—which will not be on the face of the amendment—you are invited to believe that you are going to be hit with the full consequence of the law. Because what that does is that it says that a child or person under 25-years of age will get the full bounce of the law, which is summary conviction fine of \$250,000 and imprisonment for five years. Because, Mr. President, we do not qualify section 5 of the Act expressly to link it to the Children Act. So, you immediately invite, only until you get to the Children Act in a case or in some form of judicial interpretation or otherwise, you are invited to believe that a person is going to be in trouble, especially a person under 25, if you have under 30 grammes of cannabis or 5 grammes of resin.

Worse yet, you are invited to believe that if you have above four plants, that you are therefore exposed to trafficking, Mr. President. That trafficking, Mr. President, which is in another part of the Dangerous Drugs Act, can take you up to imprisonment for life and \$1 million in penalties. But, Mr. President, it is only when you get to the Children Act that the Children Act seeks to amend in clause 6, clauses 36, 37, 38 and new introduction of 38 sub-provisions, Mr. President. But it

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is in that Children Act that you now have to try to decipher—the Attorney General spoke to gaming only in the Children Act. He did not speak to dangerous drugs, as it starts in particular of concern to me—Mr. President, when we get to this particular conflict between the Children Act and the Dangerous Drugs Act, it causes me concern. Therefore, I invite the hon. Attorney General to address the issue of the conflict of amendments and the implied effect, because it is not expressed in the Dangerous Drugs Act, particularly to section 5 of the Act.

Mr. President, the second aspect inside of the Dangerous Drugs Act that causes me concern is what we refer to as the option for out-of-court disposition of matters. Now, Mr. President, in the Commonwealth, in England and Wales, in Australia, in Canada, and in Trinidad and Tobago, we have the phenomenon of out-of-court disposition of matters, for example, fixed penalty notices. That was first birthed in the motor vehicle and road traffic laws before they were repealed in 2017. They were reintroduced in 2017; entered fixed penalty notices. That is where you can have the law applied to you without conviction, if it is that you settle yourself in the fixed penalty regime. That has found itself as well, Mr. President, in the Public Health Ordinance, in regulations for Covid. It has found itself in the expression of administrative fines in certain places, but in a slightly different way.

But, Mr. President, when we get to this repeating element of how we are treating with fixed penalty notices, in the Dangerous Drugs Act clause 4, it is expressly only treating with people over 25. You do not know that people under 25 have relief unless you know to read the Children Act. I do not think that it is necessarily appropriate to treat with persons above 18 years of age outside of the

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Dangerous Drugs Act. It would read better; it would be easier for interpretation and application if the over-18 persons were treated within the Dangerous Drugs Act, as the Liquor Act, et cetera, those parent laws, and if you take in the Children Act only those aspects that relate to children.

Now, Mr. President, the out-of-court dispositions around the world, which include police warnings, interventions, fixed penalty notices, none of them from the research time that I have had, perhaps they do exist, show that a person who is in conflict with the law can do as we suggest today amongst all of these clauses except the first two. What do we say is that that person, when faced with a fixed penalty notice, that person can decide by himself to go into prescribed rehabilitation. That, therefore, Mr. President, denies us the opportunity for the rolling consequences of a first warning, a second warning, a third warning. You do not have to look far—look at the Covid mask restrictions—first warning, second warning, third warning—the graduation of penalties and positions.

Mr. President, it causes me great concern that in the Tobacco Act, the Liquor Licencing Act, the Gaming Act, the Children Act, Mr. President, in the Members' Clubs Act and in the Dangerous Drugs Act that we are amending, Mr. President, we are saying that the person can elect. So let us go to that clause, Mr. President.

2.45 p.m.

We are saying that when you are presented with a fixed penalty notice, that notwithstanding the provisions of the Act—this is section 5E. This is the new 5B by clause 3:

“Notwithstanding...5E...”—of the Dangerous Drugs Act—
—5E is where you go to the Community Service Orders legislation and you may

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be referred for certain things. Counselling or a court, apart from that, has power to order counselling, psychiatric assessment, et cetera:

“...a police officer...”—if he—“...has reasonable grounds to believe that a person under the age of twenty-five...is committing or has committed...”—and—“...which may be tried summarily...”—

—if it relates to section 5(2A) that is under 60 grammes, but above 30 grammes; if it relates to 5(2B), which is between 60 grammes and 100 grammes; if it relates to 5A(1), which is smoking in public; if it relates to 5C, which is effectively negligence while under the influence, Mr. President, that that fixed penalty notice can go, and that person:

“...requiring him to -

(a) pay the fixed penalty within the...”—time frame—
“...specified...or

(b) in lieu of payment of the fixed penalty, commence a prescribed rehabilitative programme within twenty-eight days...”

Now, Mr. President, we just had the annual report of the Judiciary published, and the hon. Chief Justice said to us, in relation to the noble intention of fixed penalties for traffic offences, which is a mirror in terms of the formula that we are using in this Bill here today, the Chief Justice noted that there was a significant problem in the common-sense approach of abusing the law, which I dare say perhaps applies today. Because, Mr. President, if you take the flow chart of the Bill, you get the fixed penalty notice, you have a fine to pay, which, by the way, this law does not tell us, because we are repealing the fixed penalty, schedule VII, to the Dangerous Drugs Act.

In the original version of the 2019 amendments to the Dangerous Drugs Act, we told the population up front, it is \$2,000 you are going to be exposed to. We said up front, in the Schedule, what the notice would have and how it would go. These are being repealed by clause 4, cut and repeat for the other sections of law that we are looking at. But, Mr. President, we now no longer know, but you get this fine, and you by yourself could say, “Well, you know what, I am not paying that fine. I am going to say that I am going to enroll in some unparticularized rehabilitative programme”.

Now, Mr. President, the Minister says what that programme will be, but there are three Ministers that operate in the Dangerous Drugs Act, the Minister with responsibility for National Security, the Minister of Health, and the Minister of Finance, when you go down to the proceeds of crime section. In this section, this part, we are dealing with the Minister of National Security responsibility, but, Mr. President, when you get to the policeman, the fixed penalty comes in, you are not paying the fine, you enroll in the programme, Mr. President, how are you going to be monitored? What are the results of that exercise going to be? What is the feedback into the system, Mr. President? But, more particularly, what is the practical operation going to be if 8,000 people—we saw the data in 2019—per year are being visited with these things, Mr. President?

It is going to be more when I come to the Children Act—I will explain how—when 8,000 people are now going to say, “Well, I will take the option of going to the rehabilitation”. It must be concluded within three months, Mr. President. How it is concluded, we have no clue. But, Mr. President, when we get to the Children Act now, and we are amending sections 35, 36, 37, 38, including

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new ones, originally, it was only if a policeman suspected that someone was breaching smoking in public, Mr. President, that you could have the policeman warning a child. The parent would have to be warned. The parent would have liability under the Act, but now, in the amendments by clause 6, we are saying that the children, anybody in possession, whether in private or in public, once a policeman has reasonable grounds to believe you are in possession, you are smoking, alcohol, tobacco, or cannabis, that that policeman now has the right.

Now, Mr. President, we all know the common law says, the Police Service Act also says, section 46, you can enter premises on reasonable suspicion. You do not need a warrant, Mr. President. The number that I am trying to get to you at now will be more than 8,000, because a host of persons without supervision now fall into the law, which tells us, therefore, that the number of persons who are potentially able to say, “I’ll take rehabilitation of my own accord”, you are going to have a capacity problem, Mr. President. Particularly when we are saying, a religious person could give you treatment, a psychologist could give you treatment, a psychiatrist, Mr. President, or some other entity. But, Mr. President, the necessity of feedback was solved in the original law, which we are moving away from today, and the question is whether we should, because you are removing the court’s supervision.

Now, you may very well say, “Look, why do we want to have court management”? Mr. President, that is true the minute you are stepping outside of the children’s zone. If children are going to be in conflict with the law, the Children Act says that ought to be treated by the children’s legislation and the Children Court, which is why, Mr. President, I make the submission that we should

be treating with children entirely separately. Clause 6 should be refashioned to allow for only the under-18's to be treated with, and the other parent laws should be managed to treat with 18 to 21 or 18 to 25, as the case may be, with respect to smoking and alcohol and cannabis; 21 for the first two and 25 for the third.

Mr. President, so that is the aspect of treating with the election, the out-of-court disposition, that the person can say, "I am going to rehabilitation". But, Mr. President, there is another factor there, if we do not particularize the feedback of the information into the national centre that tracks these things, Mr. President, all that we are doing is spinning top in mud, because if it is that people must live with the simple fear, "I'll be caught", how much of the systemic management are we treating with, particularly if it is not a tailor-made programme with a degree of supervision?

Mr. President, I recall vividly, and I know that, in another life, you shared this view, but I will not bring you into the debate. We all know that in the Dangerous Drugs Act, there is a mandatory requirement to set up a joint select committee to supervise the performance of the Dangerous Drug Act. It has never been done by anyone. Is this now, with these amendments, the appropriate time to bring that to life? Perhaps it may be.

Let us get, Mr. President, to the gaming legislation, which is something that I noted of concern. Mr. President, when we go to clause 8, that is at page 64 of the Bill, we get to clause 8, I noticed something in here which seemed odd for the nature of this law. It is in subclause (c), this is clause 8—(c) as in "Charlie":

"...inserting after section 76, the following new section:

76A. Where a person conducts remote gambling without a valid remote

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gambling licence issued by the Commission under section 30(2)(l)...”—as in “Lima”—“...that person commits an offence and is liable on summary conviction to a fine of five million dollars and to imprisonment for seven years.’;”

Now, I am happy to see this here because I raised it in a debate recently. Fortunately, the hon. Attorney General gave some undertakings there. But, Mr. President, when we get further down on this page and we look to the next page, this is the new 82B, and you look to the police’s power on reasonable grounds to treat with people who are offending the law, but, when you get to the other aspects of the gaming legislation, and we are dealing with remote gaming, as defined under the gambling legislation, Mr. President, how are we going to filter the application of the law to persons under 25 in an online clickwrap licence environment?

Are we saying to the police, “You could just break into any house at any point in time because you have reasonable grounds”? “John Brown has a computer, you are hearing some sounds; the neighbour tell yuh dey gambling; the 16-year-old boy on his computer playing games, he is remote gambling?” A cent, a dollar, a thousand dollars, it is all the same gambling. It is the value for money within the definition of the legislation, but this law now provides for reasonable grounds and entry, Mr. President, but we do not treat with the gaming, remote gaming aspect under the children law. So there is an inconsistency between clause 6, clause 8 and clause 4. We treat with it for dangerous drugs, smoking and alcohol, that is members’ clubs, liquor licensing, dangerous drugs.

When we get to the gaming, the gambling, Mr. President, and it is “remote gambling” which this Bill treats with, as I have just read out, Mr. President, how

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are we treating with it from the children package? It again brings life to the submission that it is confusing and hard to operate the Dangerous Drugs Act, the Liquor Licensing Act, the members' club Act, Mr. President, unless we take a studied approach to treating with the under-18's, and then the brackets, 18 to 21 or 18 to 25.

Mr. President, having spent time in joint select committees, as I have, on this area of the law, I recall that, in causing amendments to the Dangerous Drugs Act, I do not know if you remember, my Prime Minister at the time, when he was asked—Juhel Browne, I recall, vividly, asking him at the airport, “The Attorney General has said that decriminalization is something to be looked at”, and he responded quickly in his usual way, “Ah doh know nothing about dat”. “Who tell you dat?” It was a fight in our own philosophical embracing of the idea to treat with data, and the Prime Minister said to me, “Go and get the data and have a conversation with the public”.

Mr. President, I recall a 90-page slide show, Port of Spain, San Fernando, Chaguanas, Sangre Grande, Tobago.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Then we came to Parliament and we went to a joint select committee, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: I would not remind you who was on the joint select committee, but what came out of that, Mr. President, was good law. Why are we bereft of Trinidad and Tobago statistics? Why are we talking about the United Nations?

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Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Mr. President, it is not as if we have one Minister of National Security aided by another. There are persons with good and sound knowledge in the law occupying—Minister Sturge is here, a practitioner of note, Mr. President. Perhaps he will speak to the statistical information that he has available to put on the record. But, Mr. President, what is the problem here, is that we are debating in a vacuum on a serious issue.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Mr. President, as a man that got licked in an election, lost my seat as I did, I still have contact with all of San Fernando West, who have expressed to me deep anxiety over—

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC:—what is going to happen to them by an application of clause 4, Mr. President. Vulnerable people, Mr. President. So, Mr. President—

Hon. Senators: [*Crosstalk*]

Mr. President: Please, let us allow—you have four more minutes of speaking time.

Sen. F. Al-Rawi SC: So, Mr. President, picong aside, admissions aside, Mr. President, this is a serious issue we are talking about. I dare say that the application of this law is going to balloon the number of persons in conflict with the law. We are at a time, Mr. President, where we are probably—my estimation is this—we are going to balloon an underground trade, an underground participation.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: Whether it is of the bootleg type that you see in the movies

and in the Americas back in the day, Mr. President, under prohibition or not, the reality is that we are going to have serious numbers coming into the system.

Mr. President, without the intervention of the court as a supervisor, in particular for children in conflict with the law, I am not comfortable, respectfully, with a policeman having this discretion solo. I am even more uncomfortable with the individual deciding in a non-tiered, non-linked environment. By “non-tiered”, I mean, first offence, second offence, third offence, Mr. President; “non-linked”, I mean with an entity that could really engage to deal with scourge that we are treating with. Mr. President, there are many people who suffer from addictions and issues. I am not a proponent of cannabis, alcohol or tobacco. I have spent a life engaged in physical activity and training, and other bits, for different reasons. It is good mental stimulation. It is a necessary by-product to your health, Mr. President.

3.00 p.m.

Mr. President, but the fact is, particularly for those of us who have been on constituency fields and represented people, this is a living, real reality for a vast number of people, Mr. President. And Mr. President, having done the exercise of analyzing the number of persons who were incarcerated for simple possession in the period 2019 to 2022, and having gone to court to cause their release, Mr. President, I urge the hon. Attorney General to take this to a joint select committee—

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC:—to bring the data forward to give us the space to consume 91 pages. Mr. President, the hon. Attorney General—I know he takes law

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seriously. He himself, not for discourtesy, I am sure, did not have the time to go through the particulars of the Bill. It makes little sense for us to even propose amendments, Mr. President. We have been told on the one hand that a certain Bench will not be entertained, and the other Bench is just ignored. So, Mr. President, where do we go on a serious issue? Are we going to be regaled with picing, laughter, and childish insults coming across the Floor? Are we going to stop and look at a serious societal issue? We started the amendments to the Dangerous Drugs Act in particular, on the back of hardcore Trinidad and Tobago data. We demand it. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Michael de la Bastide SC.

Hon. Senators: [*Desk thumping*]

Sen. Michael de la Bastide SC: Thank you, Mr. President. Mr. President, one of the central issues which this debate raises is whether the minimum legal age for the purchase and consumption or use of alcohol, tobacco, marijuana, and for the participation in gambling, should be raised. In the case of alcohol and tobacco, it is proposed that the minimum age be raised from 18 to 21. In the case of marijuana and gambling, the proposed age increases from the age of 18 to 25. Due to the constraints of time in terms of my speaking time, Mr. President, I shall be focusing on the proposed reduction in the minimum legal age for the consumption of alcohol. However, many, if not most of the arguments for and against increasing that age are the same as those for and against increasing the minimum age for the other activities.

Mr. President, I have chosen to focus on the proposed change to the

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minimum legal age for drinking because my impression is that that is the change that will have the greatest impact. I say that because, again, Mr. President, it is my impression that the number of young adults who consume alcohol is far greater than the number of those who engage in the other activities.

Mr. President, today I will be putting forward the case against raising the minimum legal drinking age to 21. But before doing so, I should mention that the debate as to what the minimum legal drinking age should be is a longstanding one, and the arguments for and against increasing that age are well known. That debate started, it seems, almost 100 years ago with the ending of prohibition in the United States at the end of 1933, and since then, has been conducted in a number of different jurisdictions. I say this merely to demonstrate that the case I put forward against increasing the minimum legal drinking age, and the arguments in support thereof, are not the devilish creation of an Independent Senator. That position and those arguments have been put forward by a long line of scholars and experts over many decades.

Mr. President, in this jurisdiction, the law treats a person as an adult upon him or her reaching the age of 18. The Age of Majority Act provides that persons who are 18 are of full age; they are no longer minors. Upon reaching that age, persons in this jurisdiction are freed from virtually all legal disabilities that only minors are subjected to. They acquire the responsibilities that only adults have to bear; they acquire the authority and powers that only adults can exercise; and they lose whatever privileges or benefits that only minors enjoy. This has been the case for decades now. Clearly, Parliament, and more generally society, consider that at the age of 18, a person can reasonably be expected to be sufficiently developed

intellectually and emotionally to make their own decisions on matters affecting any aspect of their lives, and that to the extent he or she makes a bad decision in that regard, they should take responsibility for those decisions and suffer the consequences which other adults suffer.

In that regard, Mr. President, it is to be noted that under the Children Act, the age of consent where sexual intercourse is concerned is 18. Thus, the State, the Legislature, and by extension society, are clearly of the view that it is reasonable to expect that at that age, persons are sufficiently developed to decide for themselves whether they engage in sexual intercourse and to suffer the consequences if they make a bad decision in that regard. Put it another way, Parliament has decided it is not appropriate to deny such persons the right to make that decision. Making such a decision is a serious responsibility. Sexual promiscuity, which is one option an adult is free to choose, has obvious dangers. One may contract and spread a variety of sexual diseases, including AIDS, through sexual intercourse.

In the 1980s and '90s, when AIDS was a killer, this country did not respond, nor, as far as I am aware, did any other country respond by raising the age of consent. We left it to persons 18 and above to decide whether to engage in sexual intercourse and to bear the possibly fatal consequences of making a bad decision in that regard. But, Mr. President, what many countries did do is that they launched public education programmes in order to inform all adults as to the dangers of promiscuity and unsafe sexual intercourse. But perhaps more significantly, in fixing the age of consent at 18, Parliament has accepted that persons attaining that age are free to decide to engage in an activity which may bring a new life into this world. The responsibility of looking after and raising a child is no doubt one of the

greatest responsibilities that a person can carry.

The fact that the State, and by extension society, views it as appropriate that a person who attains the age of 18 should be allowed to decide whether to have and raise children, is further reflected by the fact that the minimum legal age for marriage is 18. But marriage is not just about raising a family; it is making what is intended to be a long-term and emotional commitment to someone else. It is a life-changing commitment. In many, if not most, cases, persons do not walk away from marriage without paying a heavy emotional and often financial price. In fixing the minimum age for marriage at 18, the law and Parliament reflect society's view that it is appropriate to allow persons at that age to make the decision to get married and to suffer the consequences if it turns out they made the wrong decision.

Mr. President, in this jurisdiction, a person can obtain a driver's permit at the age of 18; indeed, as early as 17. A person driving a vehicle can do a lot of damage to himself and to others, yet the law allows persons who have reached that age to drive. Again, in fixing 17 as the minimum age at which persons can drive a motor vehicle, Parliament has acknowledged that persons who have attained that age are sufficiently developed to take on the responsibility that goes with driving a motor vehicle. Persons over 18 can enter into a legally binding contract on his or her own behalf; they make their own decisions as to medical treatment they receive; they can join the police service and thereby exercise police powers; they can join the defence force or coast guard, and they can vote. Again, this reflects an acceptance that a person at 18 is sufficiently developed to make all of these important decisions.

Under the criminal justice system in this country, persons under 18 who are

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charged with or convicted of crimes are treated differently than adults. In that regard, minors are subject to a specialized juvenile justice framework managed by the Children Court. This system prioritizes rehabilitation and child welfare over punitive sentencing. In that way, juvenile offenders receive a benefit that adult offenders do not receive. However, that benefit is lost when you are 18. This is because the law in Parliament considers that a person charged with, or convicted of, a criminal offence who is 18 is to be treated as an adult and to suffer the same consequences for their actions as other adults.

And so, Mr. President, if Parliament, the State, and society are satisfied that at the age of 18, a person is sufficiently mentally and emotionally developed to make weighty decisions with respect to sexual intercourse, marriage, having children, who should hone the reins of political power, their medical treatment, enter into legally binding contracts, drive motor vehicles and exercise police powers, then how can it be said that such persons are not sufficiently developed to make their own decisions with respect to their consumption of alcohol?

It is said that the purpose of the Bill is to protect young people, but to protect young people from what? The answer seems to be: The Bill is to protect them from the harm they may suffer if they take the decision to consume alcohol. The Bill's method of protecting them from that harm is to take away their right to decide whether they should drink alcohol by making such consumption a criminal offence. This is a very paternalistic approach, one which says to young adults that they are not sufficiently responsible to make decisions in their best interest with respect to alcohol, that the State knows what is in their best interest where such matters are concerned, and that is that they consume no alcohol. But if that is the

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case, should it follow that 18 to 21-year-olds should not be permitted to make decisions with regard to other weighty matters, given that the consequences for them may be very severe if they make bad decisions with respect to those matters? In which case, what you are really saying is that the age of majority, that is to say the age at which persons are to be treated as adults, should be raised to 21.

And so, Mr. President, my point is that it is illogical to say on the one hand that persons in the 18 to 20 age group are sufficiently developed to make their own decisions regarding all of these other various matters that I have already mentioned, but on the other hand to say that those persons are not ready or mature enough to make a decision as to whether they drink alcohol. Mr. President, of course it is recognized that persons in the 18 to 20 age group will make bad decisions, but age is by no means a determinant as to whether a person makes bad decisions or good decisions. It is up to society, including parents, extended family, and the State, to prepare minors for adulthood so as to ensure as much as possible that they are well prepared to make the right decisions when they become adults, and in that regard, Mr. President, it is up to society, and the State, to take effective steps to reduce the demand and accessibility of 18 to 20-year-olds to alcohol.

There seems to be a simplistic presumption that a young adult's maturity and level of responsibility increase year by year the older they become, so that 22-year-olds will be more mature and responsible than 19-year-olds, and 19-year-olds will be more mature and responsible than 18-year-olds, and so on. However, I have seen no evidence to support this. So, it does seem that the raising of the minimum legal drinking age to 21, seems arbitrary. I wondered if it is simply a slavish following of the American system.

Now, those who support the Bill say that its purpose is to protect young people from harm that alcohol can cause. So even if you say, “Mr. President, I am wrong”. “It is perfectly sensible to allow young adults from 18 to 20 to make all these other decisions, but a decision regarding their consumption of alcohol. I am wrong on that.” So, the question is, because they say to raise it to 21 will protect young people from harm. But one of the questions which that raises, Mr. President, is whether denying persons who are 18 to 20 the right to decide whether to consume alcohol by making such consumption a criminal offence, is going to really achieve the aim of protecting them from such harm. And that raises other questions. Will there be a general willingness amongst 18 to 20-year-olds to comply with your prohibition on alcohol? Or will many or most simply contravene the law? Can the law be meaningfully enforced? To the extent that it is enforced, will such enforcement deter persons from repeatedly breaking the law?

3.15 p.m.

Is meaningful enforcement practical, given the resources that it will require and the results it will achieve in terms of stamping out alcohol consumption among young adults?

On the question of whether the law will be obeyed, I say this. The consumption of alcohol has been part of the culture of this country since well before I was born. Right or wrong, it is part of daily life. Even if you do not drink, drinking is happening all around you and it is being promoted all around you. It is a central part of many, if not most, of our festivities, whether it be Carnival, Christmas, Easter, Independence and so on. The consumption of alcohol even forms part of certain religious ceremonies. This is the environment and culture in

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which the entire population has been raised, including persons in the age of 18 to 20. That age group has for many decades been allowed to participate in that culture. During that time, the consumption of alcohol by young adults, at least those over the age of 18, has never been stigmatized as something that is criminal.

In those circumstances, it is to be expected that a substantial proportion of the population, including the older adults, will see this law, which takes away from young adults the right to decide whether to have even one beer, as unfair, oppressive and without justification. Therefore, it is to be expected that if this Bill is passed into law, the vast majority of persons, or a substantial majority of persons in the 18 to 20 age group, who would ordinarily drink, would continue to do so, notwithstanding the ban. At most, they would simply avoid doing so in a manner that would lead to them being caught by the authorities, if in fact the authorities make any real attempt to enforce the law.

Furthermore, the fact is that young people, aged 18 to 20, do not socialize in groups that are defined by a three-year age group. They socialize in groups where some members of the group will be under 21 and some members will be over 21. It would be foolish to think that in such groups, where the older ones in the group are drinking, the younger ones will not also consume alcohol, even if to do so is in breach of the law. Furthermore, it would be very difficult to attempt to enforce this law meaningfully without substantial resources having to be applied to that effort. Doing so would require, at the very least, regular spot checks at the numerous bars, parties and other public social gatherings spread across the country.

Enforcing such a law on private properties, such as private residences, seems almost impossible. Perhaps with sufficient resources, the proposed minimum legal

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drinking age can be implemented in public spaces. But this will simply cause young adults to drink outside of bars and in ways which it is difficult to detect. For example, it is to be expected that they will simply resort to drinking at persons' homes or in hiding. This can result in the dangerous practice of binge drinking, where underage drinkers drink large amounts of alcohol in a short space of time, either at home or in hiding, before moving on or returning to whatever social occasion they are attending.

It is well documented that in the United States, where the minimum legal drinking age was raised from 18 to 21 in all states during the 1980s, binge drinking is a common practice amongst underage drinkers, particularly on college campuses. Consuming alcohol in this manner causes serious harm to young people, including an increased likelihood of accidents and injuries and conditions such as alcohol poisoning, which is a life-threatening condition. The point is that when you criminalize overnight an activity which has been a widespread legal and cultural norm for decades, you simply drive it underground and the more you seek to enforce or punish such conduct, the deeper you drive it underground. When such conduct is driven underground, it is made more dangerous.

Hon. Senator: [*Desk thumping*]

Sen. M. de la Bastide SC: In the short time I have had to prepare for this debate, I have not been able to obtain any information as to the extent to which the present minimum legal drinking age is enforced in this country. However, based on my own experience, having lived in this country for most of my life, I am confident that the reality is that the enforcement of the minimum legal drinking age of 18 has been very weak. I have not experienced or heard of police doing random checks at

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bars, parties, clubs, or other locations for the purpose of ensuring there is no underage drinking taking place.

Further, Mr. President, notwithstanding present levels of Government expenditure on national security, including the police service, the criminal justice system is struggling to reduce and control serious crime. That is demonstrated by the fact that the State has had to resort to crude and drastic measures in an attempt to reduce spiralling rates in murders and serious crime.

Hon. Senators: [*Desk thumping*]

Sen. M. de la Bastide SC: I refer here—I pass no value judgment on that at this point. My point is that is the situation we are in. In that regard, we have just come out of a recent rolling state of emergency and I refer as well to the measure set out in the Special Operations Bill that was recently passed in this Chamber.

Sen. Allahar: 46(1), Mr. President.

Mr. President: Yeah. I will allow the Senator to continue, please.

Sen. M. de la Bastide SC: Any attempt at effective enforcement of the proposed minimum legal age can only be achieved with the injection of further resources into the Trinidad and Tobago Police Service or by taking resources away from the effort to prevent and detect serious crime. This will only serve to make the suppression of such crime more of a losing battle than it already seems to be. For the reasons I have already stated, it is unlikely to achieve material success. Clearly, the prevention and detection of murders, rapes and other serious crimes is a much higher priority than punishing an 18-year-old for having a beer.

The solution to achieving a significant reduction in the consumption of alcohol lies in adopting measures that will lead to a significant reduction in

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demand for alcohol by young adults. This can be effectively achieved by the Government adopting three—

Hon. Senators: *[Interruption]*

Mr. President: Everybody, every Senator will get an opportunity to speak and I give you the assurance, you will have my protection, so allow the Senator to speak. Continue, please.

Sen. M. de la Bastide SC: Thank you, Mr. President. This can be effectively achieved by the Government adopting three measures. The first measure is by applying public resources already in place and further resources to launch in the school system and in local media, including social media, an intense and sustained long-term campaign against alcohol consumption in general and it can be targeted at 18 to 20-year-olds. The second measure is to ban the marketing of alcohol, whether through advertising or sponsorship, or at the very least, strictly regulate both the volume and content of alcohol marketing activities. The third measure is to implement pricing and tax policies which ensure that alcohol is not cheaply available.

In contrast to the enforcement of the provisions of this Bill, these measures can be easily enforced or implemented without incurring significant costs. Legislation banning or regulating the marketing of alcohol and the implementation of increased taxes or duties on alcohol is much easier to enforce than legislation banning an age group of persons from drinking alcohol.

Mr. President, with regard to the first measure, the anti-alcohol campaign should be conducted through the school system starting as early as in the primary schools in a sustained manner over the long term. The same goes for the media

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campaign, and I stress it must be conducted over the long term. The campaign, while being age-appropriate, should be hard-hitting, if not graphic, about the dangers of alcohol consumption, in the same way that public anti-smoking campaigns in other countries have demonstrated graphically the dangers of smoking to human health.

However, such a campaign is not going to achieve success if, at the same time it is being conducted, alcohol is being widely marketed and advertised. The message that alcohol is a serious danger to you is not going to register with young adults if, at the same time, they are, through marketing, bombarded with messages that alcohol is cool, sexy, and associated with good times. And that is why, if you are serious about reducing alcohol consumption and about protecting young adults from the harms it may pose, then you must ban or strictly regulate all advertising and promotion of alcohol.

In the article entitled “Protecting youth and public health from alcohol marketing: Time to put people over profits” and published by the WHO in July 2026, the author, Dr. Timothy Armstrong, reported that, and I quote:

“Global evidence shows that restricting alcohol marketing reduces underage drinking and related harms. For example, after Lithuania introduced a comprehensive ban on alcohol advertising and sponsorship, adolescent intoxication fell by 35 percent with significant declines also observed in binge drinking and overall alcohol use among young people.”

Another article published by the WHO on the 18th of April 2024, titled “The World Health Organization (WHO) advises limiting alcohol availability and advertising

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as cost-effective measures to safeguard young individuals from alcohol-related risks.” The WHO reports as follows:

“Alcohol marketing influences positive attitudes, perceptions, and expectations towards drinking. It impacts the initiation of drinking, the desire to try, choice of consumption, and societal attitudes towards drinking. Over 21 global studies confirm the link between exposure to alcohol advertising and the initiation of drinking among young people, and the progression to heavy drinking for existing drinkers.

Given that children and adolescents often share the same physical environment as adults and have access to both offline and online media, enforcing marketing restrictions directed at children is challenging. Therefore, marketing should be regulated across all channels and techniques to protect children from marketing influences.”

Now, the Government may receive a lot of pushback from the alcohol lobby on implementing a ban on the marketing of alcohol or regulating such marketing. Indeed, the Government may be reluctant or unwilling to do so, as the State has a significant financial interest in that industry. I refer here to its substantial or maybe indirect financial interest in Angostura Holdings Limited. So, it is not clear whether there will be the political will to ban or meaningfully regulate the marketing of alcohol. But what is clear from the advice of the WHO is that if there is a genuine concern about the harm alcohol is causing to the population or to young people and a genuine desire to protect young people from such harm, then it will, through legislation, implement a ban on the marketing of alcohol in this country, or at the very least regulate the content and volume of alcohol marketing

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activities. As I understand it, this is what the State has done with tobacco and there is a plethora of evidence that anti-tobacco campaigns throughout internationally have led to a reduction in smoking.

Much has been said about the harm that alcohol consumption can cause to young people's health. It is said that the brain continues to develop until the age of 25 and there is evidence that alcohol adversely affects the development of the young body and brain. But increasing the minimum legal age, as I said before, Mr. President, does not protect young people from the harm of alcohol; it simply drives that consumption underground. As I have stated recently, Mr. President, the best means of protecting young people from such harm is through education, through a public awareness campaign, banning or regulating the marketing of alcohol and ensuring alcohol is not cheaply available. And I believe, to the Government's credit, it has recently introduced taxes on alcohol, which makes it more expensive.

Mr. President, it is said that one type of harm to young people and to others caused by drinking amongst 18 to 20-year-olds is the death and injuries resulting from their driving under the influence. Now, no age group has a monopoly on drunk driving and the death and injuries it can cause. Mr. President, there is no data I have found, and perhaps the Minister of Health, who I understand will be making a contribution, will provide such data, but there is no data I have found that shows that persons within that peculiar age group of 18 to 20 cause more deaths by way of drunk driving than any other three-year age group. Indeed, if you want to ban a category of persons from drinking simply on the basis of demographics, then the data we do have would strongly suggest that we base that category first and foremost on gender.

3.30 p.m.

My research has revealed an article: “The Epidemiology of Fatal road traffic Collisions in Trinidad and Tobago, West Indies (2000–2011)”, authored by—amongst others, several academics from the University of the West Indies and published in the academic journal, *Global Health Action*. The article reports that:

“There were 2,167 road fatalities between 2001 and 2011”

And that records as to the class of road users killed:

“...where available for 1,512 accident fatalities.”

Mr. President, those records, according to the article, reveal a startling statistic, namely that whereas in 90.4 % of those collisions which resulted in the death of a driver, at least one driver was male, in only 10.3 % of those collisions were any of the drivers killed in a collision, a female driver. And I think that amounted over that 10-year period to about 58 collisions where a driver who was female was killed.

The fact that female drivers are so rarely killed in a motor vehicle accident strongly suggests that female drivers are very rarely involved in fatal car accidents, for it cannot be that female drivers are so lucky that they are as much the cause of motor vehicle deaths as male drivers, but yet in the vast majority of cases they are escaping death. That is not what lady luck means. And it follows, that if the vast majority of motor vehicle deaths involve male drivers, then to the extent that drunk driving is a cause of motor vehicle accidents, it is drunk driving by men that is causing these problems, these deaths.

And so, what these statistics—if you adopt this demographic-type approach to who must be banned from drinking alcohol, what the UWI study suggests is that we all

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need to be protected first and foremost from male drivers.

Hon. Senators: [*Desk thumping*]

Sen. M. de la Bastide SC: Mr. President, I thought that would get the support from the lady Senators amongst us.

Hon. Senators: [*Laughter*]

Sen. M. de la Bastide SC: So, even if we were to assume drivers in the 18-20 age group cause more deaths through drunk driving than any other three-year age group, the UWI study suggests that the vast majority of those drunk drivers are men. So, based on the drunk driving argument, there can be no justification for banning women drivers in the 18-20 group.

Hon. Senators: [*Desk thumping*]

Sen. M. de la Bastide SC: In fact, it may well be that that group, the female drivers, the female persons in that group may be statistically, in terms of causing accidents is so much safer than any age group, male age group. But Mr. President, and this is a genuine concern, I want to know what reliable statistical evidence is there to support the case that drivers in the age group 18-20, male or female, cause more deaths through drunk driving than any other age group?

Now, driving deaths may be highest where young adult drivers are involved, but what we are focusing on is not simply collisions or deaths in which young drivers are involved or young persons, but such deaths which involve drunk driving by young drivers, because the issue here is not whether persons 18-20 should be allowed to drive, but whether they should be allowed to drink.

Now, I know that there are a number of studies in the United States which demonstrate, or seek to demonstrate, that it is the age group of 18-20, drunk

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driving amongst that age group is a real problem. It seems to be that what they are saying is that there is the highest incidence of drunk driving and deaths. But in other jurisdictions, studies have come up with the opposite conclusion. In New Zealand, the minimum age legal drinking age was lowered from 20 to 18 in 1999. A study conducted in that country has shown that there was no evidence that changing the minimum legal age from 20 to 18 led to more vehicular accidents or alcohol-related accidents among teens. The study found that while accidents did “...increase after one’s 18th birthday,”—that was—“...a short-run phenomenon.” The study and its results are reported in a discussion paper published in February 2017 by the IZA Institute of Labour Economics.

Another study conducted in New South Wales, Australia, found that there was no evidence that legal access to alcohol affected motor vehicle accidents, and there need not be a link between legal access to alcohol and such accidents. That study was conducted by a team led by an Associate Professor of Economics at Texas A&M University, Mr. Jason Lindo, and is published by the Australian University, University of Wollongong in February 2014.

Finally, a study in Germany, where persons 16 and over can drive a moped and drink certain types of alcohol, and at 18 and over can drive a car and drink all types of alcohol. That study found no evidence that alcohol-related motor vehicle accidents fatalities discontinuously increased at either age threshold. That although there was an increase in death due to motor vehicle accidents around those age thresholds, that was most likely to be the consequence of the legal right to drive, i.e., the “‘novice driver effect’”, but was unlikely to be the consequences of the legal right to drive.

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So, my point is by raising those studies, Mr. President, is that it may well be that there is some connection that the highest, that the age group of 18 to 20 causes more death due to drunk driving than any other age group. I do not know, but I think it is dangerous to assume that that is the case based on, based on studies in America, in the USA. As the New South Wales study, the Australian study showed, they admitted that their results conflicted with the US results, but that it may be down to differences in enforcement or different cultural norms.

Mr. President, but even if we assume that the incidence of drunk driving is highest in the 18 to 20-year-olds, “ent de way to cure dat is not ah legal provision banning dem from drinking”? As I have said, and I repeat, it is by way of a three-pronged attack, a hard-hitting public awareness and anti-alcohol campaign, banning or restricting alcohol marketing and ensuring that alcohol is not cheaply available.

And Mr. President, I end by saying this, many of the arguments I have put forward are well-established and have been put forward in the past by persons far more knowledgeable about this topic than me or the Senators sitting here today. The arguments are all undoubtedly rational and, in my view, compelling. Nonetheless, I accept that if you support this Bill based on the view that alcohol—and I am not saying that this is where the Government is coming from—but I am just making the point that if you support this Bill based on the view that alcohol and the act of consuming alcohol is inherently evil, let us say on religious or other grounds, then rational arguments as those that I have put forward will have no impact on you. And with those words, Mr. President, I want to thank you for the opportunity—[*Inaudible*].

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Hon. Senators: [*Desk thumping*]

Mr. President: The Minister of Defence.

Hon. Senators: [*Desk thumping*]

The Minister of Defence (Hon. Wayne Sturge): Thank you, Mr. President. Mr. President, it seems as though in some places there is this proclivity to find a problem for every solution. So, the Government comes up with a solution, and we find a problem, and we come here to suggest that everything else would work for a variety of reasons. And on the one hand, they are telling us, “Don’t follow what the Americans are doing because it is culturally—America is culturally different”, but would quote what happened in New Zealand as if New Zealand is the same as Trinidad and Tobago.

Hon. Senator: Same, same.

Hon. W. Sturge: And then makes an argument that attacking it from the marketing perspective worked in New Zealand so therefore it would work here. I do not need to convince you that New Zealand is not Trinidad and Tobago. I do not need to convince you that when you say we are going to criminalize an 18-year-old for drinking a beer—

Sen. de la Bastide SC: Mr. President, 42(9).

Mr. President: Continue please.

Hon. W. Sturge: Oh, dear, dear. You see when you stand up here and you say we are going to criminalize people for drinking a beer, it shows that you are out of touch with reality, 18-year-olds do not drink beer.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: The young people who are hardest hit by these social ills that we

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are treating with in this Bill are from communities that are very different to what some people imagine. Maybe an 18-year-old—maybe it is fashionable to drink beer in Fatima or CIC or one of those schools. But go on the streets, go in the ghettos in Belmont, in Sangre Grande, in Sea Lots, and all of these places, nobody drinks beer; they drink puncheon. They smoke weed, and not just weed, weed in most cases laced with something. Some other chemical, most times cocaine, which they call “black cigarette”.

Hon. Senator: [*Inaudible*]

Hon. W. Sturge: Yes, I am from there and you are not from there. So, I am entitled to speak. I am elected and I can speak. You are out of touch.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: We are here to deal with real situations affecting real people, not situations affecting 0.1 per cent of this population. Seriously. And you know, the thing is, one only needs an ounce of common sense to know that marketing in Trinidad will not work. It will not work. There is a ban on marketing with respect to cigarettes, has it worked? You complain about we did not bring evidence, did you bring evidence to show that that worked?

Anyway, we are dealing with young people who are—and the literature is clear, the earlier you start smoking, the more likely you are to be addicted. The earlier you start smoking weed, the more likely you are to be addicted. The earlier you start drinking alcohol, the more likely you are to be addicted. All of these social ills, all of these poisons that affect real people, they tend to affect everybody else.

You see, I heard an argument, and it is an argument I heard in the other

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place, this narrative is being carried on social media, and I heard it repeated here today, “Old enough to vote, old enough to join the police, old enough to join the coast guard, old enough to have”—anyway—“old enough to do a number of things”. And—“but not old enough to drink”. You see, the things you are old enough to do are things that are responsible things or positive things. Joining the police, if you join the police at 18, there are safeguards to protect 18-year-olds who join the police. So, it is not that an 18-year-old would come one day and decide he is going to go crazy and shoot people. There are safeguards with respect to voting. There are safeguards with respect to the coast guard. But all of these things, voting is a positive thing. Joining the military is a positive thing. Joining the police is a positive thing. Getting your licence is a positive thing.

3.45 p.m.

Is drinking Punccheon a positive thing? Cannot even look at me. Is vaping a positive thing? Would you pour Punccheon for your 18-year-old? Would you give a vape to your 18-year-old and tell him, “Try this new molly with some cocaine in it. It is just 5 per cent cocaine. You try it”? But that is the reality in the ghetto, but he would not know, obviously. On the campaign, I met a grandmother smoking black, her daughter smokes black, her granddaughter smokes black, and they run it like a train, to and from. We are seeking to target that. So that we penalize—and do not take it—and you give the impression that you take things in isolation, but it does not penalize children. It also penalizes those who encourage. So, there is a target, and for those who are the proposed or intended victims, they are treated differently, for obvious reasons. I will get to the other scare tactic that was being peddled.

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But you know the thing is, the argument goes further, the narrative about, “Well, I am old enough to vote, I am old enough to this, I’m old enough to that, and you cannot tell me what to do, I am 18.” So, I had to ask one on a radio show recently, “Do you stop taking advice at 18, when you are being cheated on or you have a serious life-changing situation? Do you stop asking mummy or granny?” You know, the answer is, no. “Do you not seek your granny’s protection or your uncle’s protection because they are older?” The answer is, yes. So, what you are telling us is that we must not legislate to protect our young people. We know better.

In fact, there was a Cannabis Control Bill, 2019, and Sen. Al-Rawi and others contributed, and they made reference to the words of Dr. Pottinger, and he said:

“People under 25 should not smoke marijuana, as their brains are not fully developed until that age. If they are genetically predisposed to psychotic diseases, then it can be harmful.”

When you go through the debate, and you see what Sen. Al-Rawi SC referred to, and Fitzgerald Hinds and others, it makes the case for this Bill. When you look at what former Minister of Health John Rahael said in 2006, this identical Bill he was speaking about: Cannabis control, alcohol control, cigarette. But all of a sudden, you have a problem with that?

You see, the thing is—

Hon. Senator: *[Inaudible]*

Hon. W. Sturge: Yes, I do not want to say that. The thing is, sometimes we have to be objective. Because when I have finished with the contribution of Sen. de la

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Bastide, the only thing that comes to mind is something a priest recently said to me, and—because I am hearing about legislating against morality and so on—

Sen. Allahar: [*Inaudible*]

Hon. W. Sturge: He is one—and if we think it is morally wrong and so on. We do not—listen. The science is objective, and I can go through the effects of young people smoking marijuana, young people gambling, young people abusing alcohol. The science is there. This is not a moral argument, but even if it is, you cannot complain about that.

You know, again, it reminds me of what the priest said: Every religious person, every Catholic, hates abortion until their daughter is pregnant from SpongeBob from Sea Lots. That is the hypocrisy of this thing. That is why I just asked you: Would you encourage a child to vape? The answer is, no. Punccheon? No. Do you not tell them whilst growing up not to do X? Would you tell them go gamble? No. So, let us get real.

That comment, when I read it, it came in the context of—he was asking, “Protect young people from what? What should we protect young people from?” I will get to the law just now. When you drink alcohol—and let me make the comparison I made recently because at one stage in my life, I believed that, as an adult, I am responsible for what I put into my body.

Sen. Dr. Browne: [*Inaudible*]

Hon. Senators: [*Laughter*]

Hon. W. Sturge: That is all well and good. I know what you put into your body, Sen. Dr. Browne, and now we have free choice.

Hon. Senators: [*Laughter*]

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Hon. W. Sturge: But it is all well and good to say that you are responsible for what you imbibe, but when you imbibe your poison, and your poison affects others, that is what I have a problem with.

The rich man could drink Johnny Walker Blue every day, get his alcohol poisoning, go in West Shore and die. The rest of us are not affected. The health care system is not affected. He can smoke his coke, he can do whatever, no one is affected. The young person in Grande, who drinks his Punccheon, engages in lasciviousness, impregnates two or three women from the area, “cannot mind any of them”, do you know what the cycle is? The PNM loves that. The cycle is more PNM voters.

But the reality is, more hungry mouths to feed. The court fills up. Domestic violence in many cases. “Jail if you cyah pay yuh poll taxes”, as they call it. “Yuh gamble. Yuh gamble out de money, and yuh have nothing tuh spend on de household. De lady of de household light yuh up. Licks. Domestic violence. Yuh drink”. So, your gambling and your drinking Punccheon affects other people. “Yuh drink, you cut de woman—you cut she skin. Yuh smoke, yuh get cancer. You doh go West Shore, yuh know.” You go in de General Hospital in Port of Spain, and our health bill goes up”. You drink and you crash into other people like Justice Kangaloo and others, and you kill them. Their families suffer. You might die. You might leave others behind. They suffer. So, it spreads, and the short point of all this is that delaying the onset means it is less likely—you see the change. You get more responsible the older you become. What is wrong with protecting young people from themselves? That is basically it.

So, let me address what I came here for because I really did not come here

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for any of that. I came here to deal with two issues of law that gained traction in the other place. It continues to gain traction, and I am hearing whispers of it, and I do not want to anticipate that it is going to go on and on and on. So, let me demystify what is being peddled.

Now, we heard from the Member for Port of Spain South in the other place. He gave the impression—and I heard the Sen. Al-Rawi get into today—about a conflict in the law and in the age of criminal responsibility and so on. And, of course, when it comes from a politician like Port of Spain South and Diego Martin North/East, they give the impression that this Government is going to criminalize 10-year-olds; turn 10-year-olds into criminals, and that 10-year-olds should not be targeted as criminals.

FYI, in Trinidad and Tobago, the age of criminal responsibility starts at seven. I thought it was eight from a judgment I read, but apparently, it is seven. So, it is seven, and from seven to 14, you are presumed incapable of forming intent. You are *doli incapax*, as the cases say—that is the Latin term—from under seven. And from seven to 14, you are presumed *doli incapax*, but it is a rebuttable presumption. And beyond that, you can form *mens rea*. The age of 18, and so on, deals with how you are treated in the court system, and that is where the Children Act comes in.

Now, I have to segue here because Sen. Al-Rawi SC in his submission, which I felt was largely irrelevant but more confused and confusing, was asking the question: How do we treat with children in conflict with the law since the Dangerous Drugs Act says that under 25, you stand the full bounce of the law, and which Act would apply, and so on and so on, and if there is a conflict between the

Dangerous Drugs Act and so on? All of this could be demystified with one Latin maxim of statutory interpretation: *Generalibus specialia derogant*; a Latin legal maxim that means:

““Special provisions derogate from or override general provisions.””

Meaning and purpose: When a legal issue or factual situation is covered by both a broad general rule and a narrow specific rule, the specific rule takes priority. The rationale: The courts assume that when a lawmaker creates a detailed rule for a particular topic, they intend it to be a precise exception or application carved out from the broader law. When it comes to statutory interpretations, judges use these rules to resolve conflicts between different sections of an Act or between two separate laws, such as a prior general law and a newer specific law.

So, I counted it. It was over—a little over 20 minutes of his contribution was dedicated to what law do we use. Okay, well, two things. First of all, this Bill deals with cannabis, alcohol, gambling and cigarettes. So that is the first thing. If someone is charged with cocaine, then obviously, this Bill does not apply. That is the first thing. But he was speaking about a child.

So, the first thing is, if it is a child, then the child is going to be tried, not in the summary courts, he is going to be tried in the Children Court. And if he is being tried in the Children Court and charged under this Bill, then the Dangerous Drugs Act, those parts of the Dangerous Drugs Act that are inconsistent with the amendment we propose, would not apply. What applies would be the specific provision that deals with marijuana, because this Bill does not deal with cocaine.

So, Sen. Al-Rawi, if a child is caught with cocaine, then this is not the legislation you are dealing with. If a child is caught with marijuana, or smokes, or

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drinks alcohol, or engages in gambling, then it is the Children Act. That is the regime. And if you are looking at the drug aspect of it, it has nothing to do with cocaine. Nonetheless, they are still—

Sen. Al-Rawi SC: Mr. President, I stand on Standing Order—[*Inaudible*] Thank you.

Hon. W. Sturge: Always wants to make a contribution at the end and misled the House with respect to what he said, and thankfully, Sen. Nakhid found that he did say what we said he said.

So, there is no confusion with respect to that. You are tried in the Children Court if you are a child. If the drug you are caught with is not marijuana, then you are not entitled to come under these provisions and seek rehabilitation and so on. It is a different regime. If, however, you are charged with consumption of marijuana, and so on, then you either pay the fixed penalty notice or you seek rehabilitation through a spiritual counsellor or through a psychologist, which brings me to the next point.

This Bill does not criminalize anybody, as Sen. Al-Rawi says. He says, in essence, it takes away the ability to—first brush with the law—what happens with the first brush, second brush and so on; first warning, second warning and so on.

4.00 p.m.

But you have a fixed penalty, and if it is a fixed penalty and you are not guilty of the offence, you challenge it. The Bill makes provisions for that. You go to court; the lawyer would advise whether you have an option to plead guilty if you go to court and they will tell you what is likely to happen if you plead guilty, or you can contest it and you can win and that is the end of that. Instead, you do not

have to pay the fixed penalty. You can go on, there are a lot of options in the Bill. You can elect the rehab option, one of two, and when you are finished, you are not convicted, you remain unconvicted. That is protecting children. That is the essence of what the Bill is doing. So, I hope that in essence clears up the narrative that the other side continues to push.

The other part of the narrative deals with what Diego Martin North/East said and, in essence, hinted to, again, in his contribution. And let me make it clear in case it comes up, that when it comes to sentencing it is not as the narrative being pushed, started by Diego Martin North/East, it is not \$50,000. Anybody who practices would know that that is not how it works. If a child comes before the court it is an entirely different regime. That is the first thing. Quite apart from the Aguillera principles and the practice direction dealing with and how sentencing is carried out, that \$50,000 is the high end; that is a statutory maximum. So, let me deal with how statutory maximums are treated.

Statutory maximum, when a statute imposes a maximum the court looks at the statutory maximum when it comes to sentencing and reserves the statutory maximum for the worst of the worst. And there are several cases that make reference to the statutory maximum. *R v Pinto 2006*, two Criminal Appeal Reports. It was well established that the maximum sentence—

“...should be passed only in the most truly exceptional cases which are so serious that it is difficult to imagine a yet more serious example of the offence.”

R v Bright 2008, two Criminal Appeal Reports. The maximum sentence permitted by statute is, of course, very rarely imposed and nowadays when there

has been a guilty plea, effectively never. It is sometimes loosely said, that the maximum sentence should be—reserved for the worst case of its kind. So, the statutory:

“...maximum sentence permitted by statute is reserved not for the worst possible case which can realistically be conceived, but for cases which in the statutory context are truly identified as cases of the utmost gravity.”

That again was repeated in the *Queens and Khan 2017, England and Wales Court of Appeal*, 22:48, where the judge again made reference to the worst of the worst. And lastly, the *Queen and Saxton 2018*, and *England and Wales Court of Appeal 1976*, where the court held:

It is well established that the maximum sentence is reserved not for the worst possible cases which can realistically be conceived, but for cases which are truly identified as being of the utmost gravity.

So, that assertion that the PNM keeps making that we are going to fine a child \$50,000, that is absolute nonsense.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: And the process is—and I will get to the enforcement aspect just now because it was raised by the other contributor. The reality is for those who practice and who have practiced in the Children Court is, they do everything possible to avoid registering a conviction against a child. The purpose of the court is to ensure that children do not become criminals. So, if you are faced with a fixed penalty notice and you wish to contest it, no matter which judge or magistrate you face, the first thing is, if you plead guilty, the Aguilera sentencing principles apply. If you do not and you contest it and you are found guilty, then the court is

going to look at the offence. What is the offence? You consume cigarettes, you consume alcohol. Would the court send you to jail for that? The answer is no. That is the reality. Would the court give the \$50,000 maximum?—because that is the argument I was hearing. If you cannot pay the fine you go to jail. The Children Court does not send anyone to jail unless it is absolutely necessary.

So you are not going to be sent to jail or forced to pay a \$50,000 fine because if you are 10 years old you work nowhere. Who do you think is going to pay the fine? Obviously, the person who is responsible for looking after you and is not doing a good job. It might very well be the person who passed the black cigarette for you to smoke, like we saw in Grande. The person who encourages that behaviour and, of course, when it comes to children, for those who practice in the Children Court, the judicial officer is always going to ask for a bio-social report. I almost forgot the name. Where the social workers would get involved, they would visit the home, they would talk to neighbours, they would talk to schoolteachers and so on, and at the end of the day, if they uncover that the person who is responsible for the child smoking black or crack or whatever, in this case, in this Bill, the person responsible for drinking puncheon, the person giving it is the parent, then they have things for that, they have ways to deal with that. If it is a fine, they have ways to deal with that. The court would always be mindful that the child works nowhere and therefore a fine might not be workable or somebody else might have to pay it and, of course, they look at all the factors mentioned in Aguilaria before they arrive at a sentence. The objective factors which is specific to the offence and the subjective which is specific to the offender.

So, I hope that basically can rubbish the scare tactics about young children

being criminalized—

Hon. Senators: [*Desk thumping and crosstalk*]

Hon. W. Sturge: That is correct. That is all they have. All right, I would not mention the race-baiting. But you know, the previous speaker spoke about enforceability; he spoke about two more things. One is enforceability and why 18 to 21. Was there a problem when we raised the age of consent from 16 to 18? Crickets. Enforceability. You want me to tell you about enforceability? I keep hearing that about enforceability. Almost every Bill that comes here, how are you going to enforce that? But you know I have read contributions from other Parliaments over the last few decades in preparing for cases and so on, and even here as a Member of Parliament, and they always make this argument about, how are you going to enforce that? In fact—okay, let us use an example.

How are you going to enforce underage sex since it happens in private? Are there not persons before the court for having sex with underage people, underage girls? “How they end up there?” It is enforced. How are you going to enforce this Bill with respect to children smoking? Do neighbours not sell out other neighbours and say, “Look she ha de child smoking weed or I have it on video that de lil child smoking weed and drinking with them or geh de child a drink”. If you take that approach, how are they going to enforce it? We would never pass a law in this Parliament.

Hon. Senators: [*Desk thumping*]

Hon. W. Sturge: But that is in keeping with this demonic thing about finding—you seem to want to find a problem for every solution we bring. That has to be demonic and then they come and boast about it and say they have demonic powers

as if that is a boast.

So, Mr. President, [*Laughter*]*—*you could sprinkle some holy water across there, Fr. Kennedy. So, Mr. President, as I indicated, I simply wanted to make reference to two legal matters. That is what I was asked to do. So, before I take my seat let me see if I forgot anything else. Yes, nothing of substance to respond to. So, Mr. President, with those few words I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Michael de la Bastide, you wanted to make a—

Sen. Michael de la Bastide SC: Yes. Thank you. Mr. President, the Minister of Defence suggested that I was saying in my contribution that we should not accept the US studies on drunk driving among the youth because of differences in cultural norms, but that we should accept the New Zealand studies. And, I was ignoring the fact that—the suggestion is that I was ignoring the fact that New Zealand is culturally different from us. I was not doing any such thing. What I was saying, Mr. President, was that out there in the world we have conflicting results about these studies, and so we cannot accept one or the other and assume without evidence done, research in our own jurisdiction as to what the position is. Thank you, Mr. President.

Mr. President: Sen. Al-Rawi.

Sen. Faris Al-Rawi SC: [*Inaudible*] In his contribution stated that I misled the House in relation to indictable offences concerning matters including cocaine and other things. Mr. President, I made no such submission at all and reject it. Thank you.

Mr. President: Sen. Dr. Amery Browne.

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Hon. Senators: [*Desk thumping*]

Sen. Dr. Amery Browne: Thank you, Mr. President, for recognizing me. I rise to join what is a very important debate concluded in the Lower House. I start by saying that, Mr. President, because I have noted a penchant by elected Members of the Government, to come to the Senate and basically seek to rebut and reply to points that were never made in the Senate and that has happened once again today, not recognizing or respecting the fact that these are completely separate Chambers with separate business.

So, the Minister of Defence—

Mr. President: Wait, wait, wait. Listen. I myself have looked at this, but the learning on this is that, because we are in the digital age this thing goes live, right. Members from the other place can come here and speak, because they are entitled to do so once it is relevant to the subject matter before this House. Just as how it is absolutely proper for Members of this Senate to refer extensively to what has taken place in the other place and there is nobody else here from the other place to defend himself or herself. So that is a norm that is given. Ten years ago that was not permitted, but the learning has changed. So, there is no liberty in that regard. So, a Member is entitled to come here, make his contribution as he sees fit or as he is not breaching the Standing Orders. So, I would not want you to go down that road.

Hon. Senators: [*Desk thumping*]

Mr. President: That is all I am saying. So continue to make your contribution.

4.15 p.m.

Sen. Dr. A. Browne: I fully respect your guidance. But what no Member is entitled to do, however, is to put words in the mouth of Sen. Al-Rawi or any other Member.

Mr. President: Member, Member, take your seat again. I have ruled on this. They both asked to get up on Standing Order 42(9). Sen. Al-Rawi got up and cleared the air.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. de la Bastide got up and cleared the air.

Hon. Senators: [*Desk thumping*]

Mr. President: Why are you going there? I have ruled you will make your contribution now, that is all.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: Mr. President, I will go on to make a few additional comments with respect to the contribution of the Minister of Defence because, in my view, he did a disservice to this miscellaneous provisions Bill.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: He came here, clearly not aiming to persuade any Senators on either of the Benches across the aisle, the Opposition or the Independent, and he says that is true. He did not come here on an exercise of persuasion. He came not armed with any evidence and always aiming for the lowest common denominator. And I heard, Mr. President, a very disturbing narrative which we have heard before, which is to cast certain elements within the Senate as elite, elitist. They do not go here, or they do not go there, do not know this or they do not know that, Mr.

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President, and I find that is a very dangerous narrative in the society of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: Because it is further evidence of an intention to divide our society.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: And we will not abide by that, Mr. President, and we will call it out where it rears its ugly head. So, I condemn all of that, Mr. President, and some of the unfortunate rhetorical questions asked of Senators: “Would you give your child a black cigarette?” And then the Minister rebutted himself by saying cocaine and cocaine-laced cigarettes are completely irrelevant to this Bill, so what was he talking about?

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: Wasting our time. Mr. President, I want to go to the Attorney General, who was a lot more measured in his piloting of this Bill. What the Attorney General said that caught my attention, his basic premise was this, Mr. President: early exposure to alcohol must concern all of us. And I want to join with him or with any other Member of the Government who would stand here on such position. I myself, I am not an imbibor of alcohol with any degree of regularity. I have never smoked cigarettes. I think that applies to many other Senators. I am not alone in such regard. Early exposure to alcohol must concern all of us. But, Mr. President, this Bill that is before us does nothing to treat with that concern identified by the Attorney General at the beginning of his

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presentation. This Bill does not treat with the early exposure of members of our society to the dangers of alcohol.

The Bill does nothing to treat with the widespread observation that many children in Trinidad and Tobago, notwithstanding the law as it stands today, are exposed to alcohol in their homes, their schools, and in the wider society. So, what the Attorney General has done is that he has classed, he has diagnosed a particular problem, and then he comes with a prescription written for an entirely different disease altogether.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: It ignores the non-enforcement of the laws that are currently under the books of Trinidad and Tobago with respect to children being exposed to alcohol and tobacco. It ignores the reality that children are involved in gambling routinely. There are gambling rings in secondary schools and in other places in Trinidad and Tobago, untouched by the law, seemingly not disturbing the Government of Trinidad and Tobago at all. This miscellaneous Bill makes no provision for those circumstances, but we need to all be concerned about the dangers of early exposure to alcohol, Mr. President. So, I want to tell the Attorney General through you, Mr. President, we hear you, but your Bill does not deal with any of that.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: It does not deal with any of that. Instead, what the Government has done, and I think I understand what the Attorney General tried to do today, is basically the Prime Minister and the Government made a campaign promise which did not benefit from any foundation in evidence, in medical science

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or in any foundation of fact. And what they have tried to do here today, Mr. President, is to reverse engineer the dialogue to make that campaign promise, and the fulfilment of that promise made on a campaign trail as good law for the people of Trinidad and Tobago. And my position is that the opposite of good, that is bad lawmaking.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: That is what the Attorney General tried to do: to reverse engineer the reality to fit the fulfilment of a political promise that was made by the Prime Minister. And I do not think that is the basis to solicit support. It certainly is not the basis from this Senator or this Bench at this time, Mr. President.

Focusing not on children and the dangers of early exposure, but on consenting adults in an age bracket selected and chosen by the Executive. Think about that, Mr. President. And I heard the Attorney General refer to several categories, and he did a very interesting manoeuvre in his presentation because he admitted, en passant that these categories are not recognised in the Laws of Trinidad and Tobago, but yet he leaned on these categories to justify his amendments.

So, I heard “young persons”. Do a Google search, Mr. President. That is not a creature of the laws of this country. I heard “young adults”. I heard “youths”. I heard “emerging adults”, and that is the one he hinged a lot of his content on, “emerging adults”. Mr. President, in the Laws of Trinidad and Tobago, what on earth is that? What on earth is that? And I am going to go a little further in that direction, Mr. President.

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So, as far as I am not a senior counsel or a constitutional expert like others in this Chamber, but my reading indicates the law recognises children. The State of Trinidad and Tobago places great emphasis on the status of children, the rights of children, the protection of children, and the law recognises “adults”. Not these concepts that the Attorney General, very convenient—that is what I mean by reverse engineering, Mr. President.

So, I just want to put the spotlight on what the Attorney General sought to do today. Mr. President, it is really—it is not even putting the cart before the horse, just to distract myself a little bit. It is like you have not even developed a national artificial intelligence policy, but you are leaping ahead to talk about SI and superintelligence. It is just wrong-sided.

So, the Government has not started with the basis. They are not fixing the main problem facing our society with respect to alcohol and the problem that the Attorney General himself flagged at the beginning of his presentation. He skipped over all of that, the early exposure of children to alcohol and tobacco and this talk about early intelligence. Mr. President, it is a reality, so let us talk about this “emerging adult” and the Attorney General’s very pliable definition of adolescence.

Mr. President, the truth is, the honest reality is, the human brain develops differently in different individuals. It is very hard to come up with a standard. Some persons emerge from secondary school without troubling the examiners, and then they go on to do very well later on in life, Mr. President. That is fact. I have served with people like that in the past. Failed Common Entrance, and then became

excellent public servants of Trinidad and Tobago. It is quite possible. So, the human brain develops differently.

Some persons, big adults with families, and sometimes you talk to them and it is almost as if they are still on the playground in a primary school, and their narrative and chatter, it sounds very much like that. So, the brain develops differently in each person, so it is really, if we are honest with ourselves in this Chamber, impossible just to simply pick an age out of a hat or a brand and say that at this age this society, members of society, would have completely emerged from adolescence. So, you might say, Mr. President, well, you have to go with an average and you have to go where the science said.

I did not hear any of that from the Attorney General. He alluded to the fact that the Minister of Health may put in an appearance at some point. Well, Mr. President, that remains to be seen. The fact is that the Attorney General nor the Minister of Defence saw it fit to lay such foundation of data or evidence on the *Hansard* record.

So, Mr. President, you have to go with the average. I agree with such a position, you have to look at the average. But, Mr. President, let me tell you a little bit about the average. The fact is, and I disagree strongly with the Minister of Defence in his categorization of urban young adults, strongly with his classification and characterization of such individuals here today and prior to today. The vast majority of the young adults in this country are good, decent, right-thinking citizens of Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

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Sen. Dr. A. Browne:—working hard, trying their best to make their way through a very difficult society, with all sorts of levels, trying to take care of their families, honestly trying to earn qualifications and certification. Trying to get promotion, trying to make their way through life. So, this very negative picture, where you take a few examples, well, the most extreme negative examples about, you know, puncheon and trying to say that is typical of a certain group of young people in Trinidad and Tobago, Mr. President, I reject that out of hand.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: It is not fair. So, you try to come here to sell a type or a case or to sell a prescription to the country, it should not require that kind of extreme stigmatization. So, I believe the vast majority of our young people, from every community, are good, decent, intelligent, as I say, trying to make responsible choices. Many of them, Mr. President, I dare say, many of these young adults are better decision-makers than their elders in many cases, Mr. President.

I want to give one example on the record, Mr. President. Every year we have youth parliamentary debates right here in this Chamber, Mr. President, and we all do, and I heard Members of the Government flattering and complimenting these young parliamentarians: “Oh, you are not just the future, you are the present”. “You can take our place. You are ready for the Parliament.” But they are ready for the Parliament, but the Government’s premise is that they are not ready to make simple, informed decisions about what beverage to put in their glass, whether to drink a shandy, whether to put some Angostura Bitters in whatever their beverage. That is the thinking of this Government. It is completely upside down, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: And we will hear a little bit more from the younger Members of the Bench. I myself am no longer qualified in that regard.

4.30 p.m.

So, Mr. President, these young people—I am just trying to break this stigma presented by the Minister of Defence—take care of their families and they are the ones who make sometimes better decisions than their elders. And I say that without fear of contradiction, Mr. President.

I saw on social media that a lot of young people have been drawn into comments about this Bill; some for—let us be honest—and many, to my reading, are also against. Mr. President, the fact that the Attorney General came here with several amendments from the Lower House—I do not know if I heard him signal the possibility of some additional amendments coming from the Government but there are some fundamental amendments that emerged from the Lower House, as we are able to refer to it comfortably, deliberations, Mr. President, and that in itself should be cause for a pause by the Government of Trinidad and Tobago.

That in itself gives credence to the call by my colleague, Sen. Faris Al-Rawi, for this Bill to go to a joint select committee. Because, Mr. President, in that short space of time, the Government basically rushed this through to the Lower House and rushed this here to the Senate, but has found it necessary to make fundamental changes to the Bill, far less if they gave the opportunity for a variety of stakeholders, interest groups, the young themselves to have a voice in the shaping of this legislation and these amendments. Why would they, in their wisdom—I use the word very guardedly—deny themselves and the law of Trinidad and Tobago

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from that benefit, given their experience of last week? I heard no explanation from the Attorney General to the submissions made thus far, and I would not repeat them extensively about the lack of consultation, which is obvious and which the Government had not even tried to defend or justify.

What is the rush, Mr. President? Why is the Government so insistent on refusing the opportunity granted by the rules of Parliament to bring in interest groups to give their views, and at the end, the Government may be fortified in their position, or they may recognize, as I suspect they should, the need for significant further changes in their proposal? So, Mr. President, I think I have made that particular point.

So, I was saying that my attention was caught by a number of very interesting submissions being made, many via social media, some via letters to the editor from the young people of Trinidad and Tobago. I suspect none of them fit the narrative given by the Minister of Defence with all of this thing about Puncheon and black cigarettes, as if that is the norm with our young people. Mr. President, there was one describing himself as 19 years old, and I will just—from social media, so:

“...I can vote,”—I can—“have multiple bank accounts,”—I can—“manage credit cards...”

I can take a loan. I can get married. I can:

“...have children...”

I can take care of my children. I can:

“...own a house,”—I can—“own & drive vehicles,”—I can be—“tried as an adult in court...”

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I can travel abroad without a letter from my parents. I can:

“...travel...independently...”

And to counter the Minister of Defence’s talk about those are all positives, and you are talking about negatives, I can:

“...fill a prescription for”—potentially—“addictive...”—pharmaceuticals.

This is the same 19- and 20-year-olds. I can:

“...fill a prescription for”—potentially—“addictive pharmaceutical drugs,”—I can—“pay taxes,”—to the Government. I can—“join the defense force...”—and the police service.

I can arrest an adult of any age and:

“...own a business...”

But I do not:

“...possess the competence or capability...”—to decide about drinking a beverage of my choice or whether I should smoke or not smoke.

Mr. President, I find that view of that 19-year-old very, very persuasive.

We have to change the focus, and it has come up time and time again, from what appears to be a very punitive approach, with penalties against legal adults, consenting adults, with respect to some of these choices, to focus more on education and empowerment, which will benefit both the child category that the Government seems to be ignoring and other categories of citizens, other age groups as well.

Mr. President, another issue: If alcohol impairs your functions and your judgment. We are lawmakers here in this Chamber. The Government is so concerned to reach down into your rights and choices and select a category, an age

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category of adults, to restrict such choice. Why are they not banning or prohibiting alcohol consumption for parliamentarians?

Hon. Senators: [*Laughter*]

Sen. Dr. A. Browne: I would like to hear a reason for that. Why not prohibit alcohol for parliamentarians or Members of the Cabinet of Trinidad and Tobago? Maybe we should lead the way.

Hon. Senators: [*Desk thumping*]

Sen. Baig: Mr. President, 46(1). What is the relevance of that?

Mr. President: I overrule that. Continue, please.

Sen. Dr. A. Browne: Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: I do not know why anyone would be worried. I am not attacking the Government, Mr. President. I am making my case with respect to this Bill. But there is a fundamental point that the Government has missed altogether, and I have not heard raised in the other place or even right here in this Chamber. I do not know if I am pre-empting any colleagues in this regard. I have to be careful not to be too scattershot because we want to leave some room for other contributions. This is one I feel very strongly about, Mr. President, supported by evidence—not standing up here like the preceding speaker just to shout and carry on.

Mr. President, I heard the Attorney General made reference to examples from the United States of America to the legal drinking age of 21. So, I said, let me look at the US authorities and their views of the dangers of alcohol. If the Government's premise—the reason they brought us here on a Tuesday—fine

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Tuesday afternoon, according to my colleague, is because they have discovered that for a certain category of adults, there is a particular danger with respect to the exposure to alcohol and tobacco and other products. That is why they have brought us here.

Mr. President, what does the science tell us? I refer to the National Institute of Alcohol Abuse and Alcoholism in the United States of America, a federal agency, an article from June 10, 2026, the caption is: “Aging and Alcohol”. And through the lens of this contribution, Mr. President, you will see, we will see that the Government’s approach is completely unfounded and unjustifiable if we take them at their word. And I am going to quote from the NIH:

“Alcohol misuse includes binge drinking and heavy alcohol use as well as consumption at lower levels for some individuals.

As people age...”

—Mr. President, hear me well:

“As people age, changes in their bodies, as well as in their physical and mental health, may cause alcohol to affect them differently than when they were younger and put them at greater risk for negative consequences.”

I am not going to state my conclusion quite as yet, but I think you know where we are going.

Putting—“...them at greater risk for negative consequences.

Older People...”

—I hope Members are hearing me.

“Older People Are More Sensitive to Alcohol’s Effects than Younger People”

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This is the same National Institutes of Health. The United States of America authorities.

“Older People Are More Sensitive to Alcohol’s Effects than Younger People”

I go on:

“Older people are more sensitive to the sedative (sleep-inducing) effects of alcohol, as well as its effects on balance, coordination, attention, and driving skills.”

So, if you are more worried about road deaths in Trinidad and Tobago, and you are sincere as a government with a prescription to treat with that and alcohol, then the approach they are taking is exactly upside-down.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: This is what the science is saying:

“...coordination, attention, and driving skills...”

It is worse in the older age group than in the so-called young adults or emerging adults, to use the words of the Attorney General.

“This puts older adults at higher risk for falls, car crashes, and other injuries that may result from drinking.”

So, it might be counter-intuitive if you have been digesting what the Government has been dispensing, but, Mr. President, this is the reality. So, I do not want them to come here crying crocodile tears about these ill effects when, in reality, some of us in this Chamber, presently and in the future, are at greater risk, and therefore, if the Government is prescribing, maybe they should prescribe limitations and restrictions at the other end of the age scale as opposed to the young people who

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are intelligent and who can make good decisions.

“In addition...”

—I go on, Mr. President, from the NIH:

“...due to changes in the body, such as reduced muscle mass and body water, some older adults may reach higher blood alcohol concentrations than younger people after consuming the same amount of alcohol.”

Some of us might be familiar—not myself, but some of us might be familiar with those realities.

“As a result, older adults...”

—I am looking at the geriatric age groups, et cetera.

“...could develop alcohol-related problems at lower drinking amounts than younger people.”

And the article goes on in detail. I would not regale you with all, but I commend this research to the House to talk about the effects of “uncognitive” and mental health, comparing young adults to those on the other end of the age population.

“Alcohol misuse by older adults is associated with faster cognitive decline, such as problems with memory, thinking, and judgment...Alcohol misuse can also precede mental health conditions...”—et cetera.

“Alcohol and Medicines Don’t Mix

Many older adults take medications that could interact with alcohol.”

Mr. President, I remember growing up, I visited my parents who were abroad at one point, and I went into their bathroom and opened their medicine cabinet, and I said to myself, “My God, this is a pharmacy in here.” Mr. President, what do they say? “What doh meet yuh, doh pass yuh.”

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Hon. Senators: [*Laughter*]

Sen. Dr. A. Browne: You open my medicine cabinet now in my family's house, it is the same thing, and probably we have a few extra. That is a reality as you grow older by the decade. In fact, what the NIH is telling us is that many older adults take medication that could interact with alcohol.

Mr. President, I am not saying that just to be difficult, you know. I am not just saying this to obstruct the Government with its intention. I am presenting to them a reality that, by their own words, they have not considered. If it is that they are saying that alcohol poses particular dangers to young adults in Trinidad and Tobago, I am saying they need to look at the other end of the age spectrum.

Hon. Senators: [*Desk thumping*]

Sen. Dr. A. Browne: Stop discriminating against our young in particular. The same science they are referring to is telling them something very, very different.

I go on:

“These interactions could cause the medications to not work properly or make them dangerous or even deadly.”

And we may hear about that a little more later.

4.45 p.m.

Mr. President, that is the reality: Ageing and alcohol. So, if the Government is aware of all of this—I do not know if they are aware of this, Mr. President, or if this is new to them. If they are aware of this, how can they justify these very limited and targeted amendments in this Miscellaneous Provisions Bill, Mr. President? How can they justify it? If they would tell us that they are an evidence-based government, how is this not ageism rearing its ugly head in the

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Parliament of Trinidad and Tobago? How is this not? And it is the same with marijuana, Mr. President.

And it is the same with marijuana, Mr. President. Somehow, they have gotten away with assuming, with the presumption, that all of these substances are somehow, particularly, dangerous to young adults and are ignoring the fact that those same dangers are even more pernicious and damaging at the other end of the spectrum. Where is the prescription for that? Is it that they feel the young people are an easy legislative target, and, maybe, they do not have a sufficient voice to stand up for themselves and their rights? I do not know, Mr. President. I am very curious about all of that.

So, Mr. President, I just wanted to put a few realities on the Table for the consideration of this Chamber, the contemplation of the Executive, and hopefully, we will emerge with legislation that we can support. I do not think anyone is going to stand up in this Chamber and extol the virtues of alcohol or tobacco. As a physician myself, that is exactly what I can never do. But, Mr. President, when we make decisions, we have to have justification for our decisions.

The former Attorney General, long-standing, brilliant former Attorney General sitting to my immediate left, gave a very clear standard for our business here today. I do not think—I am certain the Government has fallen short, thus far, in meeting such a standard. Can they repair the record? I guess so. It will not come by, you know, insults, and this petty charter. It is going to have to come by them presenting evidence. It is going to have to come by them refuting points and responding properly. Maybe they will surprise us here today. Who knows, Mr. President. Who knows.

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So, Mr. President, I end as I began, if you were to look for a red flag with respect to legislation that should give you pause for cause, I would describe it as this: Laws that could be considered half-baked, ill-conceived, or rushed; laws that have not had the benefit of consultation—and on that issue, I just want to refer very, very briefly to comments made by the UNC when they were in Opposition, with respect to the need for consultation on important legislation. On the UN's very own Facebook page, I see an article on June 14th, 2019, and it is in the voice of the then Opposition Leader, the hon. Kamla Persad-Bissessar. So, she is presenting the position of the UNC in Opposition, and she says in that article, which I am quoting on the UNC's Facebook page:

““Another critical issue, Opposition leader said, is the complete lack of consultation on this Bill. ‘There has been absolutely no consultation...’”—whatsoever—““This Bill was not part of the Government's Legislative Agenda...”—They only—“...introduced...”—it last week—“...to be debated...”—this—“...week...and since then...groups...”—in society—“...have called for consultation...”—on the matter. Will the Government respond?

I lay that same challenge as presented by Kamla Persad-Bissessar then, as Leader of the Opposition in 2019, before her and her Government, today in 2026. There has been no consultation whatsoever on this Bill. This Bill was not part of any agenda that the Government presented, because they have presented no agenda to this Senate. It was only introduced last week to be debated this week, and since then, groups in our society have been calling and pleading for consultation.

Will the Government respond positively to the voices and views of those

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citizens? There is no certainty that, at the end of such, at the end of such, we will not have agreed on some progress with respect to the Acts that are seeking to be amended under this Miscellaneous Provisions Bill. But what I am certain of, Mr. President—I cannot predict the future—what I am certain of, is that the Government will have a stronger leg to stand on to come here, into this Parliament, to point its finger at the young emerging adults of Trinidad and Tobago, and to tell them, “We know better than you, with respect to the choices you can make in your competent minds.” Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Dr. Marlene Attzs.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Marlene Attzs: Thank you, Mr. President, for the opportunity to contribute to this Bill. I begin with a declaration that I hold a directorship in an entity that owns a company with an interest in beverages, including alcohol. Mr. President, I believe the intent of this Bill, as stated in the Bill and as shared by the hon. Attorney General earlier, to reduce harm associated with alcohol, tobacco, cannabis, dangerous drugs, and gambling, I think it is a laudable public policy objective, and I share that objective. My concern, Mr. President, is whether the measures selected are supported by sufficient evidence, and whether the institutions, procedures, resources, and public understanding necessary for the fair and effective implementation will be in place before commencement of this Bill.

I think these conditions will determine whether the legislation achieves its intended objectives. Mr. President, my contribution begins with a practical question: While the public health concern is real, will the protections we enact

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here work in places where people actually live, where they study, where they socialize, and where they do business? These questions have economic dimensions, and I will focus primarily on the alcohol sections of this Bill, while drawing attention to related issues concerning cannabis, gambling, and tobacco. My concern is the cost and timing of implementation. What must households and businesses do to comply? And what should the State provide to administer the law? And whether these arrangements will be ready before the proclamation?

The hon. AG referred to the Pan American Health Organization Ministry of Health's 2024 STEPS Survey, which reported, and permit me just to repeat, Mr. President, that 51.5 per cent of adults aged 18 to 69 had consumed alcohol during the preceding 30 days, compared to 40.6 per cent in 2011, so 51.5 per cent in 2024, compared to 40.6 per cent in 2011. Among women, the figure rose from 30.9 per cent to 43.4 per cent, and these findings reinforced the need for public education reaching both women and men. These findings, more importantly, Mr. President, measure consumption. They do not necessarily establish harmful drinking, and I think that distinction is important.

The same survey, the PAHO Ministry of Health survey, reported current tobacco use of 21.3 per cent, current as in 2024. And I also wish to make mention to a recent special report of the Joint Select Committee on Social Services and Public Administration, which also drew attention to tobacco use among young people. Some youth-specific figures presented to the joint select committee came from a 2017 survey. We are now being asked to approve major new age thresholds and penalties with some relevant evidence almost a decade old.

Having read the Bill, Mr. President, there are three questions that emerged

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for me: What specific problem are these measures intended to address? Why were they selected? And how will we measure their results? Mr. President, that first question is particularly important in relation to alcohol. Under the existing Liquor Licences Act, the sale of intoxicating liquor to a person under the age of 18 is prohibited. This Bill proposes to move that threshold to 21, and importantly, extends the regulatory reach beyond sale into purchase, possession and consumption.

I know we have had some discussion around the age, but before we ask how 21 will be enforced, I want to ask the question: Why 21? What has been our national experience under the existing threshold of 18? How many breaches have been detected? How many have been prosecuted? How many have resulted in convictions? Does our evidence, our national evidence, indicate that the threshold of 18 is inadequate and that enforcement is inadequate, or that both require attention? I think these are distinct policy questions and raising the age cannot, or ought not, to substitute for addressing weaknesses in enforcement.

I therefore ask, as others have, for an explanation of the empirical basis for moving from 18 to 21. What do the current Trinidad and Tobago data tell us about alcohol consumption, and more importantly, alcohol related harms, specifically, among persons aged 18 to 20? What additional reduction in harmful use, road traffic injuries, or other adverse outcomes does the Government expect the change to produce? And what baseline are we using to determine, subsequently, whether raising the threshold has actually worked?

The point was made earlier, Mr. President, that according to our current laws a young adult can begin training either in the police or the defence force, and once

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qualified, entrusted with a firearm to protect the country. But under this Bill, that same individual must wait until 21 to consume alcohol. I readily accept, Mr. President, that different activities and different risks may justify different age thresholds, but that makes the evidential basis for selecting 21, more, rather than less, important. I think Parliament should understand the principle and the evidence underlying that distinction.

We also should be cognizant that alcohol consumption patterns among younger adults may also be changing. Gallup's Global Analytics and Advisory firm, reported in its 2025 survey that the proportion of Americans aged 18 to 34 who reported drinking fell from 59 per cent in 2023 to 50 per cent in 2025. I readily acknowledge that these are American findings, but I think these findings reinforce the need for current local evidence. An increase across the adult population does not tell us which age groups are specifically driving it.

I also want to ask what we have learned since the increase in DUI fines that we agreed to in January 2026? The hon. Attorney General provided us with some data from 2025, indicating that some 709 arrests for DUIs, driving under the influence, and we were told that that was the highest figure since 2019. But there was no disaggregation of those data for us to be able to understand whether or not 18 to 20-year-olds were among that cohort, and what percentage of that cohort came from the 18 to 20-year-olds, and I think that is important. So, perhaps, it might be useful for the Government to provide comparable figures for persons tested, arrested, charged, and convicted, and disaggregated by age so that we can understand their impact on alcohol related crashes.

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The same evidential discipline should apply to the proposed age of 25 for cannabis and gambling. Why has 25 been selected? And what additional protection is expected? These activities involve different risks and different regulatory arrangements, and we should hear the justification for each of the thresholds alongside the implementation requirements associated with them.

Across these provisions, Mr. President, my next question is about readiness. Returning to alcohol, what cultural and administrative foundation must be in place in households, in businesses, in institutions for them to comply? Alcohol, as others have said, is embedded in our Carnival. It is embedded in family celebrations, it is embedded in community events, and it is also a significant part of commercial sponsorship. Retailers, event operators, universities, I dare say, and families have organized their practices around an existing legal framework in which the sale of alcohol to persons under the age of 18 is prohibited.

Parliament may choose to move that threshold from 18 to 21 in a day, but it cannot change established practices in a day. And the choice, Mr. President, is not between cultural change and legislation. We require both, but I think we need to be mindful of the correct sequence to ensure maximum effect. The public policy question therefore cannot simply be, what do we prohibit? It must also be, what responsible practices do we require, encourage and facilitate? Public education, revised permit and licence procedures, uniform age verification requirements, industry consultation, staff training and accessible rehabilitative services must precede or accompany commencement. Otherwise, we run the risk of criminalizing established conduct before the State has created a practical and fair pathway to compliance.

Mr. President, one obvious test of whether that foundation exists is how alcohol provisions would operate during Carnival, which is only a few months away. Alcohol is sold and promoted at fetes and other events. It may form part of the commercial package. A producer sponsors the event, its branding appears throughout the venue and online, and drinks are included in the ticket price. Some events admit patrons aged 18, 19 and 20, and some events may be marketed specifically to that age group.

Under the proposed section 60, knowingly selling or allowing another person to sell intoxicating liquor to someone under 21 attracts a first offence on summary conviction, a fine of \$50,000 and imprisonment for 15 years, with higher penalties for subsequent offences. Sanctions of that magnitude require an equally clear explanation of what an event operator must do to ensure compliance. How will the requirement of “a knowing sale” operate alongside the mandatory identification duty? And what consequences attach to each kind of breach? I also have to say, Mr. President, I wonder about the proportionality of these penalties. What comparable offences informed their selection? Deterrence is a legitimate concern, but sanctions of this severity require a clear justification tied to the conduct they are intended to deter.

Consider an all-inclusive fete that admits patrons aged 18 and over. A patron pays once for a package that includes drinks. At what stage must the statutory identification requirement be satisfied? Is it when the person purchases the ticket? Is it when the person goes through the gate, when they are admitted into the fete? Or when they go to be served at the bar? Would a verified wristband system satisfy that requirement? And on what legal basis? Who bears

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responsibility when an eligible patron passes alcohol to someone under the age of 21? Promoters, licence holders and servers need clear protocols for this particular business model.

Specific events serving the 18 to 20 age cohort may need substantial changes to ticketing, admission and service, particularly where alcohol is included as part of the package. What guidance and transition time will organizers receive to adjust their business models? There is a clear distinction between admission to an event and access to alcohol. The proposed section 60B recognizes specified circumstances in which a child may be present on premises covered by the relevant licence categories, including attendance at a function under the supervision and control of a parent, guardian or responsible adult. That exception concerns presence on the premises, but it does not authorize alcohol consumption.

Another type of event that causes similar questions to be raised is the increasingly popular school fundraising fetes, particularly where senior students or recent school leavers participate either as workers or as patrons. Organizers need clear guidance distinguishing attendance, lawful employment and access to alcohol, with responsibilities allocated among the school, the promoter, the licence holder and the servers. There is also a labour market dimension to this Bill.

I welcome the amendments to the proposed section 38A which protects young adults over 18 but under 21 who handle, sell, supply or possess alcohol or tobacco products during lawful employment. That responds to an important concern potentially for supermarket employees, bartenders and casual workers at Carnival events. The remaining question, however, is whether that protection operates consistently across relevant legislation. I think the Government should

confirm that related provisions do not inadvertently prohibit the same employment duties. It also does not expressly exempt drinking alcohol. I ask the question: would tasting a cocktail during preparation be prohibited? Workers and employers need clear guidance on the duties permitted before commencement.

I think, Mr. President, there is also a need for some clarity with respect to ordinary household transactions. Consider an ordinary household purchase. A parent, a child who has recently obtained his or her driver's permit, the parent then decides that I will send you to run errands. So, the parent sends a 19 or 20-year-old to buy groceries, including wine or rum for the household. The proposed section 60 prohibits the knowing sale to that young adult whether or not the alcohol is intended for that person's use. Proposed section 38A also creates an offence of possession outside its employment exception. So, there is a need for public guidance for both the retailer and the young person's position.

Mr. President, there is also a welcomed amendment requiring valid national photo identification before an alcohol sale is completed. The wording requires verification of the purchaser's age and refusal of sale or delivery where the required identification is not produced. This is therefore an obligation affecting purchasers generally, including those plainly older than 21. I need to ask which documents qualify as national photo identification. Will passports, including foreign passports presented by visitors, be accepted? What arrangements apply where identification has been lost or is awaiting replacement? These questions matter for ordinary retail transactions and for our tourism and Carnival economy. Retailers and patrons, I repeat, need authoritative guidance and sufficient notice before commencement.

Mr. President, I would like to take or share an example from the University of the West Indies. Since 2011, the UWI St. Augustine Campus has had an alcohol policy that they passed in October of 2011. And I think that alcohol policy offers a useful example of the institutional arrangements that are needed to support regulation. In that policy, the UWI ensures that there are arrangements for age verification, approval of events, liquor licensing, trained servers, security, education, counselling, and enforcement. And it seems to me that this example suggests that regulation works best when the rules are supported by ecosystems that make compliance practicable. UWI's application process asks whether underage guests will attend and what measures will prevent them from consuming alcohol. Could national event permit applications similarly require organizers to demonstrate how they will enforce the new restrictions? That process also should be thought through and designed before commencement.

Mr. President, at present fete organizers may need approvals involving liquor licensing authorities, the police, fire services, venue operators and the Environmental Management Authority depending on the event. My question is, will these processes provide one consistent set of conditions on admission, identification and alcohol service before the organizers commit expenditure? And given the myriad of organizations involved in giving approvals for the hosting of events, which actual agency is going to be responsible for monitoring compliance during the event? And what additional resources may accompany that responsibility?

Before proclamation, I suggest the Government align the application forms, publish guidance and licence conditions with the new requirements in consultation

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with the licensing authorities—the relevant events licensing, bar licensing and alcohol licensing authorities and also the enforcement agencies and those affected across the retail and event sectors. I think we ought not to be legislating without involving the specific stakeholders to have a say in how this is going to be implemented. Those expected to comply with and enforce the law need consistent, practical guidance before commencement.

This Bill, as we have heard, amends seven pieces of legislation, but those amendments will not automatically revise every related permit, regulation, licence condition or institutional rule. I therefore ask, if an implementation map has been contemplated, which laws, which regulations, which forms, which policies and which licence conditions must change? Which institution is responsible for each change, and by when will the work be completed before proclamation? I think we also need to consider the environment in which the demand is created, and some of the previous speakers have mentioned that alcohol brands appear on billboards, on stages, on promotional vehicles, and on social media. Sponsorship is central to several events, including several Carnival events.

If the policy is that persons under 21 should not be sold alcohol, what is the accompanying policy towards advertising and promotion aimed at or predictably reaching that same group? This becomes particularly important when we consider one of the best-known international renowned alcohol producers in which the State has a shareholding interest. What expectations does the Government place on producers and sponsors at events attended by persons under 21? How does the Government reconcile its commercial interest with the public health objective it now is asking Parliament to endorse?

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I think the framework must apply fairly and consistently across the industry, including and especially when the State has a commercial interest. The joint select committee report I referenced earlier is instructive here. One of the conclusions in that report is that there may be a need for legislation governing the advertising of alcohol. That report also found that vaping and e-cigarettes were excluded from the original Tobacco Control Act and its subsequent amendment and require legislation to reduce their use.

In that regard, I welcome the amendment introducing specific restrictions on vaping.

5.15 p.m.

Mr. President, some of the questions I have raised extend beyond alcohol. For cannabis, for example, the amendments add identification requirements to the dispensing arrangements addressed in clause 9, while the Bill changes the age conditions governing lawful possession. I wonder if Government can explain how the relevant provisions interact with bona fide medicinal and religious arrangements. For gambling, the proposed section 82A covers electronic as well as other methods. How will online operators verify age, and what regulatory and enforcement capacity will support compliance?

The Bill before us provides for commencement by proclamation, and I think that gives the Government, if it is so minded, an opportunity to settle some of these matters that I have raised before the new rules are applied. A practical transition period and clear guidance are particularly important for events that have already been planned and to be executed in a few months' time, and also for retailers required to retrain their staff and to educate their staff. Does the Government have

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any particular timetable envisaged for proclamation? Does the Government have a sense of what specific sets of arrangements must be in place before commencement? If businesses, event promoters, universities, licensing authorities and enforcement agencies require new systems, training or procedures to ensure they comply, these implementation requirements must be clearly identified and costed, because there is no zero cost to implementing some of these changes.

The joint select report that I referenced earlier demonstrates how demanding implementation can be. As of June 2023, that report stated that sensitization on tobacco legislation had reached only 70 sellers across five counties in Trinidad and Tobago, with other areas still to be covered. We should not assume that the publication of an Act automatically produces national understanding or compliance. The JSC report also noted that behaviour change remained one of the Ministry of Health's principal challenges in reducing tobacco use.

That finding matters because this Bill before us places considerable faith in higher age limits and substantially higher penalties. If the principal difficulty, as reported by the Ministry of Health, is behavioural and cultural, we should be careful to assume that moving the statutory age from 18 to 21 will itself cause a behavioural change. We need to ask ourselves what public health programme should accompany these offences, the prevention campaigns, counselling, referral pathways. We may succeed in increasing the penalties, but the danger of the harm, the public harm that we are trying to prevent, may still be there.

Mr. President, I think we also should be told how many persons the system expects to accommodate; which organizations will be authorized; what professional standards will apply; what the programmes will cost the Government

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or the individual—we are not clear on who is going to have to bear the cost of these programmes—and will the response distinguish between dependency, which requires perhaps a protracted period of treatment, as opposed to an isolated offence by an 18-, 19- or 20-year-old. Access to rehabilitation should not depend on where a person lives, what that person can afford or that person's religious beliefs. I welcome the provision that a completely prescribed programme can avoid conviction for the offence covered by the notice. Its value will depend on timely access to suitable programmes.

Mr. President, before commencement, it would be helpful, as a way of gauging the success of these measures, if the Government could publish baseline indicators covering alcohol, tobacco and cannabis use by age and sex, gambling participation and related harm, retailer and operator compliance, fixed penalty notices, rehabilitation outcomes and related injuries, so that we, the people of Trinidad and Tobago, understand what is our starting point and what it is we are trying to address.

I think there also should be reporting to Parliament annually, and the legislation should be formally reviewed within three years to see whether or not these measures that we have put in place are actually yielding the results that we anticipate. Success, Mr. President, ought not to be measured by the number of people charged. It should be measured by the fewer people subjecting themselves or being exposed to harm.

As I close, Mr. President, I return to the issue of some of the architecture we already possess in this Parliament. We already have in this Parliament a body that has laid considerable groundwork relevant to precisely these issues that we are

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discussing today. The Joint Select Committee on Social Services and Public Administration has recently examined Trinidad and Tobago's response to non-communicable diseases, and Parliament therefore already has before it a body of evidence touching on public health, prevention, behaviour and the wider social environment in which alcohol and other risk factors operate.

I therefore ask respectfully whether this Bill would benefit from referral to an appropriately constituted joint select committee, drawing on the work already undertaken by the JSC on Social Services and Public Administration. Referral could strengthen the Bill by allowing the committee to hear from the institutions and people who will have to make it work: The retailers, the promoters, the health professionals, licensing authorities, enforcement agencies, parents and, of course, the young people likely to be affected by this Bill.

The committee could test the thresholds and penalties against the evidence, examine age verification at mixed age events and online gambling services. They can also clarify the interaction of the cannabis provisions and assess implementation funding and rehabilitation capacity. An appropriately constituted joint select committee could help resolve these questions and I also recommend a workable implementation timetable.

Before proclamation, the Parliament and the public should know the applicable rules. They should have clarity on the applicable rules; they should know the responsible agencies; they should know the resources that they need to commit, particularly event promoters; and we should all know the outcomes against which success will be measured.

There is no disagreement, Mr. President, that our shared and our collective

objective is to reduce harm. Clear rules, accessible support and credible enforcement will give this Bill a stronger prospect of achieving that objective. Mr. President, with those few words, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, I would like to suggest that we suspend proceedings at this time and we return at 6.30 p.m. This Sitting is now suspended until 6.30 p.m.

5.24 p.m.: *Sitting suspended.*

6.30 p.m.: *Sitting resumed.*

[MADAM VICE-PRESIDENT *in the Chair*]

Madam Vice-President: Minister of Health.

The Minister of Health (Hon. Dr. Lackram Bodoë): Thank you so much, Madam Vice-President. I thank you for the privilege of speaking in this august Chamber and for the opportunity to contribute on a Bill, which I believe will improve the lives of our citizens by protecting their health. And, of course, I am happy to be part of the debate on the Miscellaneous Provisions (Alcohol, Cannabis, Dangerous Drugs, Gambling and Tobacco) Bill, 2026.

Madam Vice-President, before I go into the substance of my contribution, I just thought it would be important just to address a few of the issues raised in this debate. I have taken note of this debate since 1.30, whilst signing away some files in my office. And I just wanted to refute a few things, starting with my medical colleague, Sen. Amery Browne. The hon. Senator raised a few points about how the human brain develops differently, and I agree with that point and I want to say that is perhaps a very important reason why, because we cannot determine what is

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the correct age, I will come back to that, why this legislation is appropriate.

What troubled me though, Madam Vice-President is, and I say this with the greatest of respect for my colleague, what troubled me mostly is the way this publication from the National Institute of Health, Ageing and Alcohol, and it was from the National Institute on Alcohol Abuse and Alcoholism, which is a branch of the respected and renowned National Institutes of Health. Madam Vice-President, last week at the PAHO/WHO regional conference I did have the privilege and pleasure of actually meeting the Director of the NIH, but you know there is a saying that you could play smart with foolishness. And this is a very good paper, Madam Vice-President, it actually speaks very well about the effects of alcohol on elderly population. But for the hon. Senator to try to turn this around and try to make an argument saying that because this is the case that we should not be bringing legislation here to protect the young ones, I want to say that is something I did not expect. But Senator, I understand, I have been in Opposition before, I know sometimes you are put in a difficult position to make a contribution. I see Sen. Faris Al-Rawi is smiling. He understands exactly what I am speaking about.

Sen. Nakhid: Patently dishonest.

Hon. Senators: [*Desk thumping*]

Hon. Dr. L. Bodoë: I will not use the word that my colleague next door is using, Madam Vice-President Speaker.

Sen. Nakhid: Patently dishonest.

Hon. Dr. L. Bodoë: All right, I am hearing lots of words around to describe the Senator, I will not use those words, Madam Vice-President.

The other thing of concern, Madam Vice-President, is the Senator turned

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around and said that the Prime Minister made a campaign promise with no scientific evidence and there was no consultation. First of all, I want to say, Madam Vice-President, the best form of consultation is what occurred in the campaign.

Hon. Senators: [*Desk thumping*]

Hon. Dr. L. Bodoë: The population was very much aware of the campaign promises made by the Government and expected this to be turned into policy. So what greater form of consultation can you have Madam Vice-President?

Sen. Attzs made some interesting points. The Senator did indicate the need for public health programmes, and I will go into some of those in my contribution. So, Madam Vice-President, I want to say that I have heard several arguments and opinions in different spaces and places that this Bill is against young people. Madam Vice-President, I beg to differ. I want to say here today that this Bill is for young people.

Hon. Senators: [*Desk thumping*]

Hon. Dr. L. Bodoë: I want to commend the hon. Attorney General, Sen. John Jeremie for piloting this Bill and I want to register early my support for it, both as the Minister of Health and as a Member of Parliament, the Member of Parliament for Oropouche West, because I think in both capacities, I can support this Bill, Madam Vice-President.

6.35 p.m.

This Bill represents courageous and progressive legislation that provides legal guardrails to protect young people from using certain substances and developing certain behaviours that can cause them physical, mental, and emotional

harm in both the short term and the long term. Madam Deputy President, allow me to congratulate the hon. Prime Minister for following up on her campaign promise by bringing this legislation to Parliament.

Hon. Senators: [*Desk thumping*]

Hon. Dr. L. Bodoë: Madam Deputy Speaker, Prime Minister Persad-Bissessar is showing Trinidad and Tobago that she is not afraid to do what is required to maintain, promote and protect the health of our young people.

Hon. Senators: [*Desk thumping*]

Hon. Dr. L. Bodoë: These are bold policy measures aimed at helping our young citizens, not hurting them. They are policy measures that have also been implemented in other countries with measurable success, and Madam Vice-President, I will cite some examples later in my contribution. Madam Vice-President, there is a well-established association between alcohol consumption and tobacco use, and certain non-communicable diseases such as cardiovascular disease, chronic lung disease and certain cancers. Cannabis use in young persons can have detrimental effects on their brain development.

So what are these measures we are debating here today, Madam Vice-President? The measures proposed in this Bill regarding age restrictions, controls on access and sales, and strengthened penalties will definitely complement the Ministry of Health's battle against the NCDs—it is a big problem in this country, I will speak about the economic impact of that in a minute—and by extension help us to deliver on our mandate to maintain and protect the health of our citizens. Madam Vice-President, this legislation that is here before us today is also in alignment with the United Nations Sustainable Development Goal 3. And

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that goal speaks to “Good Health and Well-being”, and the mission of that goal is to “Ensure healthy lives and promote well-being for all at all ages”.

I think I need to repeat that, Madam Vice-President. It is to “Ensure healthy lives and promote well-being for all at all ages”. And we are speaking about all here; we are not leaving anyone behind. This SDG 3 has 13 targets, Madam Vice-President, and I just want to list three of these targets. The first one is reducing mortality from NCDs and promoting mental health, and I believe that this legislation here will actually help in that regard. The other target, Madam Vice-President, is preventing and treating substance abuse, and I believe this is what we are trying to do here today. The other target, interestingly, is reducing road injuries and deaths. I know my colleague, the Minister of Transport and Civil Aviation, is carded to speak and may have something to say about that, Madam Vice-President.

Madam Vice-President, it is estimated that there are approximately 180,000 persons between the ages of 18 and 25 in our country. These measures therefore represent an opportunity to positively impact the health and well-being of a significant proportion of our citizens, and these are the citizens who stand to be our most productive, provided that we give them the right foundation. And we can do that by doing all in our power to protect their health. I believe this is what the Government is here about today. Madam Vice-President, I have in front of me here a data synthesis with a specific focus on youth, young adults ages 18 to 24.

And before I read from this document, Madam Vice-President, I think it is important to quote the sources: World Health Organization 2024, “Global status report on alcohol and health and treatment of substance use disorders”; Pan

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American Health Organization, Trinidad and Tobago National Drug Council, Trinidad and Tobago Police Service, and the International Agency for Research on Cancer. So, what does this document have to say, Madam Vice-President? There is a table here that speaks to metrics and national data: Adult per capita consumption—and it is speaking here to alcohol. Madam Vice-President, this document states the adult per capita consumption of alcohol is between 5.0 and 6.7 litres of pure alcohol per year, and it is listed from ages 15-plus. This is a very startling statistic, Madam Vice-President. And there is a term here called “H-E-D”, and this speaks to happy episodic drinking, what we call binge drinking, Madam Vice-President.

Hon. Senator: Binge drinking?

Hon. Dr. L. Bodoë: Binge drinking, yes. And it says that 17 per cent of the total population indulge in this. It is a serious problem we are facing. It speaks to the prevalence of current drinkers, and it says that 43.8 per cent of adults—they say adults, but they are speaking about 15-plus, Madam Vice-President—consume alcohol regularly. But Madam Vice-President, it is not all bad news. They also speak about the abstention rate over a 12-month period, and the good news is 56.2 per cent of our adult population actually abstain from alcohol if you measure over a 12-month period. So, you know, it is not all bad news, but it is a considerable problem that we have to deal with and fix.

Now, the second part of this document speaks to alcohol consumption and risk profile. It speaks to young adults aged 18 to 24, and I believe this is very relevant to what we are trying to deal with here today. And it says that young adults aged 18 to 24 present the highest concentration of heavy episodic drinking—

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binge drinking in Trinidad and Tobago. So, it would appear, Madam Vice-President, that this Government is on the right path because this is really where the problem is.

Hon. Senators: [*Desk thumping*]

Hon. Dr. L. Bodoë: Madam Vice-President, it says that early initiation during secondary school accelerates risky drinking practices upon reaching university or employment age. Madam Vice-President, I am sure many of us here in this Chamber are aware of this. And now there is another table here with some interesting statistics, and it speaks to youth indicator ages 18 to 24, tertiary student binge rate. Thirty-one per cent of tertiary university students report heavy episodic drinking. What is the data source? National Drug Council University Surveys. Male versus female disparities: the next youth indicator says that male young adults are 2.5 times more likely to engage in heavy binge drinking. That is reassuring for the female population, but of course, we still have a problem.

What about adolescent lifetime alcohol use? That is the next youth indicator. It says that 80 per cent of secondary school students report lifetime alcohol use. This is from the Trinidad and Tobago secondary school substance use survey. Early intoxication rate: 25 per cent of adolescents aged 13 to 15 report prior drunkenness. A startling, again, worrisome statistic, Madam Vice-President. Now, what about motor vehicle accidents and driving under the influence? Driving under the influence, DUI, and excessive speeding represent primary causes of fatal motor vehicle collisions in Trinidad and Tobago, and it disproportionately impacts young adult drivers. I believe one of the previous contributors in this debate would have spoken about this. Well, here is the data. Road safety parameter: Youth collision

contribution is a parameter that this table speaks about. Data and impact metrics are what are measured, and it says, Madam Vice-President, that ages 15 to 24 account for approximately 16 per cent of total national road traffic accidents. Perhaps the Minister of Transport, if he speaks, might be able to verify those figures from where he sits.

The other road safety parameter is the acute crash risk increase. It says here, Madam Vice-President, that alcohol intake within six hours prior to driving increases crash risk by four to five times. A very important statistic. Again, one of the speakers in this debate mentioned the police being on site and so on, so those of us who have been abroad would be aware that—my colleague lived in Canada—Sen. Satyakama Maharaj—and he would be aware that if you went to a club or a pub and you had a few drinks and you came out, the police would be outside waiting for you. And of course, those are some of the measures that we have to treat with when we speak about enforcement.

The other road safety parameter indicated here is the perception of safe DUI drinking. I thought this was important. Thirty-one per cent of young drivers perceive that they can safely drive over the legal blood alcohol concentration limit. And this came from the national highway and road safety attitude survey from the TTPS. So, very worrisome statistics, Madam Vice-President, but of course, statistics support and provide the evidence for the Bill and the measures being proposed here today in this honourable Chamber.

Let me go on to chronic disease burden, liver pathology, and cancer. NCDs account for over 80 per cent of all deaths in Trinidad and Tobago—maybe a little bit less than that—maybe 60 to 70 per cent. Chronic alcohol exposure and heavy

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episodic drinking—the HED we spoke about, binge drinking—play a direct causal role in liver disease and oncological incidents—the incidence of cancers. Liver cirrhosis and disease deaths have a big impact: 180 to 150-plus deaths annually. It accounts for 1.5 to 1.6 of overall national mortality. Early hepatic damage: liver damage, ages 18 to 24. This is age-specific. Binge drinking accelerates early fatty liver and then, of course, the alcohol attributable cancers. There is a causal link to oral cancers, oesophageal, stomach, colon, rectum, liver, and female breast cancers.

So I think that is something that is worth putting on the table, Madam Vice-President. So, there is another important aspect of all of this, Madam Vice-President. What really is the economic burden of NCDs in Trinidad and Tobago? Madam Vice-President, an economic assessment conducted by an organization called RTI International for the IDB estimated—this is an old study back in 2017. I imagine that the burden is higher now, but this is what is available to us. It estimated that \$8.7 billion was the annual economic burden of diabetes, hypertension, and cancer in Trinidad and Tobago. A tremendous economic burden, Madam Vice-President. The breakdown was as follows: Diabetes, \$3.5 billion; hypertension, \$3.3 billion; cancer, \$2.0 billion. So these figures, just for clarification, Madam Vice-President, include both health care costs, and that includes the cost to the public sector and the costs spent in the private sector, but more importantly, the productivity losses. And I think that is very, very important.

So, the NCDs really present a formidable threat, not only to public health, but also to the macroeconomic stability and sustainable development of Trinidad and Tobago. And I see my colleague, the Minister of Planning, Economic Affairs and Development, is nodding, because he understands what this speaks to. Direct

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health care expenditures and indirect productivity losses resulting from chronic conditions account for approximately 5 per cent of our gross domestic product annually. Startling, indeed, Madam Vice-President. So I think it is important that we also look at the impact of what we are dealing with, Madam Vice-President. I wanted to—so what about the financial analysis of cancers, for example, Madam Vice-President? And I am moving in this direction because if we implement the measures that we are proposing today, there is evidence that this can help to have some sort of impact on the incidence of NCDs in the older population. So, this is the premise of this argument. Madam Vice-President, there is a whole lot being said here about the restricting at the age-21 laws. So let us just talk a little bit about the science behind this.

6.50 p.m.

The policies restricting the minimum legal purchase age for alcohol, tobacco and e-cigarettes, the vaping products, to 21, are grounded in extensive biomedical and public health research. Raising the age thresholds serves as a vital structural intervention that protects adolescent brain development, dismantles youth social supply chains, and reduces population-level morbidity and mortality.

Let us talk a little bit about the neurological development and addiction vulnerability. Madam Vice-President, the human brain development continues well into early adulthood, typically completing around age 25. I not only speak here as the Minister of Health, but, of course, I draw upon my extensive experience of 40 years in medical practice. The prefrontal cortex, responsible for executive function, long-term planning, impulse control and risk assessment, is the last region of the brain to fully mature.

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So, there is something called heightened chemical sensitivity. It is said that developing neural pathways—those are the pathways that connect the nerves in the brain—are exceptionally sensitive to external chemical stimulation. Exposure to addictive substances during adolescence alters the—there is a big term here called synapse formation; it just means the messaging between the neurons in the brain—and dopamine reward circuitry. That is a big term, Madam Vice-President. What does it mean, this dopamine reward circuitry? It really relates to the high you get from—

Hon. Senator: [*Inaudible*]

Hon. Dr. L. Bodoë: Yeah—these substances, whether it is cocaine—sorry, whether it is marijuana—we are not speaking about cocaine in this Bill, or alcohol, or tobacco. So, there is a reward circuitry that is reinforced and, of course, that is the basis of addiction.

Nicotine-induced remodeling: It is well known that nicotine disrupts adolescent brain structure and alters working memory and attention span. Individuals who begin using nicotine before 21 exhibit significantly higher rates of lifelong dependence compared to those who delay initiation.

Then there is something about alcohol and the hippocampus—that is another part of the brain—and it is said here that: Adolescent binge drinking interferes with the development of the hippocampus, which impairs learning capacity and memory retention, whilst escalating the probability of alcohol use disorder later on in life.

So, what we are trying to do here, Madam Vice-President, is really to break the informal social pipelines. What do I mean by this? A critical mechanism

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behind age 21 laws lie in the social network structure. Minors rarely purchase age-restricted products directly from commercial retailers. Instead, we know they rely quite often on social sources.

So, what happens if we eliminate the school suppliers? When the legal purchasing age is 18, school seniors and recent graduates serve as legal buyers within the school circles. So, we break that chain.

Hon. Senators: [*Desk thumping*]

Hon. Dr. L. Bodoë: Raising the age threshold to 21 creates a distinct social buffer. So, there is a buffer when you do this; moving legal buyers out of the secondary school environment.

Peer-to-peer transmission is another one to break. Survey shows that over 80 per cent of underage users obtain vaping and tobacco products from friends or acquaintances ages 18 to 20. So, we put, you know, a block there.

So, Madam Vice-President, I thought it would be important to put a little bit of the science into all of this. The effects of alcohol are well known, I will not go into that. I just wanted to look at the country evidence and the impact analysis of raising the minimum legal drinking age from 18 to 21. Speakers in this debate have already cited other jurisdictions. The United States, the National Minimum Drinking Age Act, 1984, makes it standard, 21. What happened when that was passed in 1988? There was a dramatic reduction in motor vehicle crashes. There was a lower youth alcohol consumption rate, long-term drop in alcohol dependence.

But in my research for this contribution, Madam Vice-President, I found something very interesting happening in Australia. In Australia, in the late 1960s

and the early 1970s, guess what happened? They lowered the drinking age from 21 to 18 across the states. What was the result of this policy measure? So, they were 21, and they said, “Let us bring it down to 18.” What was the impact? Immediate increase in youth traffic crashes and fatal accidents following the age lowering. So, this is something, you know—this is really inverse historical evidence.

New Zealand tried the same thing. They lowered the purchasing age from 20 to 18 under the Sale of Liquor Amendment Act, 1999. What was the impact? It demonstrated a negative impact of lowering the drinking age. How? You had traffic crash involvement among 15 to 19-year-olds increased by 12 per cent for males and 24 per cent for females post-law. So, Sen. de la Bastide, you mentioned that females are safe drivers, but they are not safe drivers when they are drunk, Senator. So, I think it is important.

Hon. Senators: [*Desk thumping*]

Hon. Dr. L. Bodoë: Emergency room alcohol-related admissions for 15- to 19-year-olds increased markedly. So, I thought that was important. So, you know, what are the benefits of what we are proposing here today, Madam Vice-President? Traffic safety: Raising the age to 21 consistently yields a 10 per cent to 16 per cent reduction in youth fatal traffic collisions, public health hospitalizations. That is a big call on the public purse, you know. Higher legal drinking ages reduce emergency department admissions for alcohol poisoning, injuries and violence among young adults.

Long-term development: Delaying alcohol exposure protects the adolescent brain development and correlates with lower lifetime rates of alcohol use disorder.

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I mentioned that already.

Enforcement and compliance: The public health benefits of age 21 are maximized when paired with strict zero-tolerance driver laws and retail compliance checks. Some of the measures that were mentioned already.

So, Madam Vice-President, the question is: Why would anyone in this Chamber not want these benefits for our young people?

Hon. Senators: [Desk thumping]

Hon. Dr. L. Bodoë: Madam Vice-President, I also found a very interesting study, and I want to quote from this study. The study was done in 2000, “HIV-Related Risk Factors in a Population-Based Probability Sample of North and Central Trinidad”. It is a publication in *AIDS and Behavior*, 2000, author, Colin Furlonge, former Chief Medical Officer. Interestingly, the study done in 1998 to 1999 showed that under the influence of drugs or alcohol, individuals did not practise safe sexual behaviours, even when in possession of condoms, thus exposing themselves and their contacts to sexually transmitted diseases, including HIV. So that is something that we probably should take note of, Madam Vice-President.

Madam Vice-President, I just want to move on quickly to the risk involved with tobacco and smoking. We know that one of our biggest problems in this country is heart disease and we know that smoking—tobacco smoke, there is a big correlation with that problem that we face. So, Madam Vice-President, I just wanted to mention a few points quickly. I would not go into the disadvantages and the dangers of smoking. I think that is very well known, except to say that it has a big impact on heart disease in our country.

Again, if we look at other countries, evidence from other countries on

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increasing age to 21 tobacco, in the United States, for example, in different states, we had youth smoking dropped 47 per cent within four years in Massachusetts. Even in California, high school smoking fell from 10 per cent to 2 per cent. In Singapore, they had an increase from 18 to 21, and it was noticed that there was a sustained drop in daily smoking prevalence among young adults, and, of course, it said, disrupted secondary social sources; a point we made earlier. So, Madam Vice-President, I want to say that these are very, very important measures.

I wanted to speak a little bit on cannabis—is it 10 minutes I have again?

Madam Vice-President: Yes.

Hon. Dr. L. Bodoë: Thank you, Madam Vice-President. So, the proposed amendment to clause 3 of the Dangerous Drugs Act—and I know I have to link it to a clause, Madam Vice-President, so I am linking it to clause 3 of the Dangerous Drugs Act. It carries significant implications for public health and community well-being by shifting the legal framework surrounding cannabis away from strict criminalization towards a regulated age-tiered approach, and its provisions carry significant implications for public health, safety and personal well-being.

The legislation incorporates developmental neuroscience, which we spoke about, the development of the human brain. It is important to mention that the adolescent and early adult brains are highly sensitive to the psychoactive compound in cannabis—it is called THC, tetrahydrocannabinol—and heavy use before age 25 is linked to potential impairments in working memory, processing speed and sustained attention compared to use started in mature adulthood. So, I think this makes the case for raising that age limit to 25.

Early cannabis exposure, particularly high potency THC products, is

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correlated with higher risks of triggering latent psychotic disorders, such as schizophrenia, and anxiety and depression in vulnerable young people. So, delaying legal access reduces these early onset risks. Of course, brains exposed to addictive substances before full maturity are more prone to developing cannabis use disorder—it is something called CUD—or dependency. So, of course, the benefit of the legislation here means that when we postpone access, it reduces the likelihood of long-term dependence patterns.

Believe you me, Madam Vice-President, we have, at the Ministry of Health, a tremendous challenge. We have a Tobacco Control Unit, which is solely to deal with the issues of smoking, and I believe one of the contributors in this debate would have spoken about the NADAPP, National Alcohol and Drug Abuse Prevention Programme unit, at the Ministry of Health. I want to commend them for the tremendous work they do, Madam Vice-President.

Hon. Senators: [*Desk thumping*]

Hon. Dr. L. Bodoë: Again, in my research for this, I asked for a report on what was done for fiscal 2026, and we have something called the Health Education Division that conducted 37 school and student-focused outreach activities, reaching primary and secondary schools, tertiary educations, youth groups, and Ministry of Education programmes across Trinidad and Tobago. There were activities focused on school health education. So, we are looking after the young people. We are trying to educate them. Public education is a very important part and complement to the legislative measures we are proposing here. The primary target groups were students because that is where we realize there is a problem. We have to reach them earlier. So, there is a whole report here, which I do not

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have the time to go into, Madam Vice-President, and that is with regard to the Tobacco Control Unit.

There is also the work of the National Alcohol and Drug Abuse Prevention Programme. And just before I left the office, Madam Vice-President, I was mentioning it, I was signing off some files, and one of the files that came to my desk is a recent survey by NADAPP, which represents the findings of a community-based needs assessment. This is data hot off the press, Minister. And this was a study that involved 449 respondents in the survey from August 2025 to March 2026—a form of consultation, Minister, we are looking at—that involved students, parents, educators of the community, stakeholders.

7.05 p.m.

The conclusions, you know, there are many conclusions, but, of course, there was a strong demand for practical prevention resources. So stakeholders out there are very much aware that there is a problem. They are looking out for solutions, and, of course, on this side, we are here, prepared, ready, willing and able to provide those solutions, Madam Vice-President.

Hon. Senators: *[Desk thumping]*

Hon. Dr. L. Bodoë: So, Madam Vice-President, as I close in the short time I have left, I just want to close on the importance and speak to the importance to public health. We spoke about the prevention of NCDs, the proposed tobacco and alcohol controls with respect to age 21, are relevant to reducing exposure to the modifiable health risks associated with chronic diseases. So these are modifiable health risks. These are risks that we can impact on; we can do something about.

We are looking, of course, at the protection of children and young people.

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The proposed age limits, restrictions and access, and stronger penalties for specified offences involving children provide a legislative basis for protecting young people from exposure to alcohol, tobacco and drugs, and, of course, health, education, and accessible support would be important complements. And, of course, we have the opportunity in this legislation to look at substance abuse, support and rehabilitation, Madam Vice-President.

So, Madam Vice-President, I just want to close by saying that, as the Minister of Health, I lend my full support to this Bill. These policy measures will assist us in protecting and maintaining the health of our young citizens. As the Attorney General mentioned in piloting this Bill, we cannot remain as passive observers; we have to do something about the problem.

Hon. Senators: [*Desk thumping*]

Hon. Dr. L. Bodoë: We know there is a problem and we are here to do something about it. Madam Vice-President, I want to say that these are measured, proportionate, and proven public health interventions. I want to commend this Bill to this Chamber and urge all Senators to support it. I thank you, Madam Vice-President.

Hon. Senators: [*Desk thumping*]

Madam Vice-President: Sen. Roberts-Radgman.

Hon. Senators: [*Desk thumping*]

Sen. Melanie Roberts-Radgman: Thank you, Madam Vice-President. Madam Vice-President, I was happy to hear from the hon. Minister of Health. I observed that, both in piloting—so when the Attorney General piloted this piece of legislation, and now, in the last contribution we would have gotten from the

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Minister of Health, both speakers—I am not going to give the other Government speakers any attention; it is not warranted, but both speakers framed this problem that we are here to discuss, address, resolve, they both framed it under the framework or the umbrella of health and wellness, with some emphasis on also addressing social development. The Minister of Health in particular, he would have spoken extensively on the impact of substance use and abuse on NCDs, and I like when he said, in particular, that these are “modifiable health risks”, meaning that these are things that we can address. We can fix them.

I also thought it was interesting that he spoke about some outreach that has been done, and then he spoke also about a recent report. I did not catch the exact name of the report, but just in his closing, he would have mentioned the report, and he mentioned he did not have much time to go into it for the benefit of the Senate. Madam Vice-President, I take that. I am happy to hear that. I think that we are all on the same page as it pertains to the problem that has been addressed. I think we are on the same page as it pertains to this being a health issue, a health and wellness issue.

Where I believe that some departure must be held, where some departure must be had, is the fact that the legislation before us, while the intention is to address and underlying health and wellness issues, the legislation before us is framed entirely on criminalizing or creating offences—

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman:—for what should otherwise be health and social issues that can be addressed via more beneficial means and less oppressive means. Now, Madam Vice-President, I am of that age and stage in life where I am not

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young enough to really be a young person, but I am also not old enough to be disconnected from them.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: So I am somewhere in between. I hit that sweet spot.

So, naturally, when this Bill started to get some public traction, when it started to make its way through the media and social media, quite a few of the young ones reached out. They sent messages. You know, I am known to them as Auntie Mel and Sunny Mel. So they started sending their voice messages and their IG messages, and that sort of stuff, and I said, “You know what, let me get them together, let me pull a consultation.” I consulted with who was available to do—I did a few Zoom consultations for those who were available, and then for the others, they just sent through their thoughts on the matter.

I received a wide variety of feedback from these young people, and I want to do them some justice by dedicating the entirety of my contribution to ventilating and representing, in this Senate tonight, this evening, what they shared with me.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: But before I do so, before I kind of get into it, Madam Vice-President, I want to make a sharp observation, because as I went through the Bill, as I went through the amendments that we got a few days ago, my observation was that this Bill is so far removed from the reality of the young people that it is scary.

Now, how on earth does one develop 91 pages of legislation, legislation that amends seven other pieces of legislation and not meaningfully consult with the

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very people who are most affected by what we are coming here to do?

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: I know that that word “consultation”, that “c” word, it seems to have become a taboo topic in this Senate, but, quite frankly, and I heard—

Sen. Allahar: Madam Vice-President, may I? 53(1)(b), we were on consultation all the time, repetition. We have reached the end of the argument.

Madam Vice-President: I understand, but, Senator, you could go ahead.

Sen. M. Roberts-Radgman: Thank you, Madam Vice-President. The point I am making, and I echo—let me shift gears—and I echo the point that was made by Sen. Dr. Browne, because, you know, he observed that the fact that after the Bill was debated in the other place, the Government had to go back and make seven pages of amendments. It is very clear that this Bill was rushed. There was a lot more work that needed to be done.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: There was consultation that needed to be done and taken on board in order to bring this into something that is workable, something that can be implemented, and something that addresses the issue that we are here to deal with.

So I will ask the question, Madam Vice-President, through you, and I will ask it to the Leader of Government Business, has the Government consulted with the young adult population of Trinidad and Tobago before the decision was taken to curtail their rights in this way?

Hon. Senators: [*Desk thumping*]

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Sen. Allahar: Madam Vice-President, I rise again on 53(1)(b), we have been talking about consultation all day.

Madam Vice-President: Yeah, move on, and go to the points that you wanted to get to.

Sen. M. Roberts-Radgman: I will move on, Madam Vice-President, because, you see, for me, there is something that is disgustingly hypocritical about a person who tries to impose their new-found beliefs on others through the unwarranted criminalization of activities that they themselves once overindulged in.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: I am not saying that every single young person is against every aspect of this Bill—

Sen. Ratiram: Madam Vice-President, I rise on standing Order 46(4), please.

Madam Vice-President: Yeah, I understand what he is saying, so I would just want to uphold that Standing Order. I think you made a statement shortly, so when moving on, try to avoid it. Yeah.

Sen. M. Roberts-Radgman: I am guided, Madam Vice-President. The point I am making, Madam Vice-President, the point I was making is that not every single young person is against every single aspect of this Bill. All the young people that I spoke with today see some merit in what the Government is trying to do, the problems that need to be addressed. They admitted it. They actually admitted some interesting things in some of the consultations. But the thing is, some of these provisions are just so outlandish, and so many protective aspects are missing that I find it difficult to believe that all of this legislation was genuinely born out of a desire to protect our young adults.

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Is this how we are protecting young people, youth, by criminalizing them for things that many of us—let me speak for myself then so that I do not offend those on the other side—that I, myself, indulged in at their age? Is this how we protect them, by having an entire document, 91 pages, a substantive document? There is not a single clause, not a single line, not a single page that is dedicated to preventative social awareness—

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman:—rehabilitation, and education campaigns before the fact. We have been talking about—I want to use the Minister’s words—“modifiable health risks”, and at some point he mentioned, “dopamine rewards”. He very capably realized the kind of addiction issues facing our young people. So it is very interesting that there are no clauses, there is no deliberate effort, or attempt by the Government to have these preventative measures in place before the fact.

Now, this is why I say, Madam Vice-President, that the Government is woefully and willfully disconnected from our young people, because I find it passing cruel to respond to a social, cultural, and psychological challenge with criminalization—

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman:—and, to some extent, the imposition of economic hardship. This is something that I know the Government is aware of, they know, because the hon. Attorney General, in his piloting, he actually highlighted research from former Sen. Dr. Deyalsingh. He quoted, I would not say “verbatim”, but, you know, he quoted the former Senator when he said, “Alcohol consumption is a

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pervasive cultural aspect of local life.” So there is a recognition that there are some cultural aspects to this. There are some social aspects to it, but yet their response is just to impose these heavy penalties, these heavy sanctions without really getting to the root causes.

Now, Madam Vice-President, the Government, they presented this piece of legislation under, what I will consider to be, a compelling banner of protecting our young people, and I readily accept that. We have to protect young people from addiction, from exploitation, from the harms associated with excessive alcohol use, tobacco use—what else they are doing?—vaping, the pills, cannabis, and even gambling. It is an important legislative objective; I want to place that on the record, but we cannot allow the nobility of the objective—we cannot allow the nobility of what we are setting out to do to automatically immunize—

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman:—the means that the Government has decided to use. We cannot immunize that from scrutiny.

It is interesting, because over the past few weeks, we have found ourselves over and over and over in this Senate having to raise the issue of proportionality. That is becoming a bit concerning, because proportionality requires us not to simply ask whether or not we are pursuing good objectives. It is always a good objective, but we also need to ask whether the measures we have chosen, if they are rational—we know the tests—necessary, and appropriately calibrated to the harm we are seeking to prevent. So the debate has been open, and a ruling has been made with regard to, you know, drawing on what has happened in the other place. So I echo all the sentiments of the Leader of the Opposition in the other

place, and I repeat it here for the record, because it is a fundamental question at the heart of this Bill, at what point does legislation that was intended to protect young adults begin to punish them instead?

You see, this Bill does not confine the sanctions that it imposes on those who sell, exploit, expose or damage, or even profit from young people. It actually creates criminal offences that are applicable to young adults, people who are 18 to 20 years of age just starting off their life, who might want to dabble a little bit, experiment a little bit, do a little something, have a drink, have a glass of wine, have a beer. It affects them as well, people who are now starting off their adult lives. Then it goes even further by attaching substantial penalties that, under the existing framework, are treated differently.

I want to repeat for the record, and I am repeating it because I have observed that the Government has a habit of misconstruing what the Opposition has said, so I am saying it in “big”; the Opposition strongly supports the protection of young adults. I am saying it again, the Opposition strongly supports the protection of young adults, especially as it pertains to what we are facing right now in terms of the use, overuse, misuse and abuse of alcohol, and other prohibited substances.

7.20 p.m.

The question that I am raising here, Madam Vice-President, and it is a question that came up in talking to the “young’uns”—the question I am raising is whether criminalization, severe fines, and restrictions on what would be otherwise considered to be ordinary adult conduct, is this necessary and proportionate instruments for achieving that protection? If the Government’s objective is really prevention, rehabilitation, as we have heard, and protection of young adults, then

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we are entitled to ask, all of us sitting here, as we ventilate this ground-breaking piece of legislation, we are entitled to ask, why does the Government's legislative response so often take the form of punishment? Why is that how far things always need to go? Where is the evidence that demonstrates that these particular measures will achieve the stated objectives?

I have heard a lot today about—there was quite a bit of, you know, studies passing around, statistics passing around with regard to, you know, the substance abuse and misuse and what it does to the younger brains, we have heard all of that and I take that. But what I have not heard was any evidence coming out from any jurisdiction or from any study or from any piece of research that demonstrates that the particular measures that we have implemented in this Bill in terms of creating offences and the heavy penalties attached to them, I have not heard any evidence coming out from on that side that shows that this is a successful way to achieve the Government's stated objectives.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Has the Government even considered having less restrictive measures? I have heard the Government quite accurately identify the problem. I have heard the Minister of Health touch on the need for interventions, he quoted his studies, the report that he got about the need for awareness campaigns, we have heard all that. Why have these measures not been made a part of the Bill? Why is that not the direction that we have gone or been asked to support today?

Madam Vice-President, there is a constitutional principle at stake here, no government, no government whatsoever, should be able to take away more liberty

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than is reasonably required to achieve the public good it invokes. And, Madam Vice-President, this seems to have become the trend of this Government in every single segment of Trinbagonian society. It seems like everybody “getting touch up”. So every time there is a problem, every week “we hearing, aye aye” there is a problem in society and the response seems to be, let us take away their rights—

Sen. Ratiram: Madam Vice-President, I rise on Standing Order, 46(4) please, and 46(6).

Madam Vice-President: We will get back—so, I will let you continue, but just be careful of where you go or what you are trying to say.

Sen. M. Roberts-Radgman: Thank you, Madam Vice-President. The point I am making is that every time the Government identifies a problem in society, the trend that we have seen over the recent months has been to respond by simply reducing the rights, the freedom, and the liberties of the citizenry.

Sen. Baig: Madam Vice-President, 46(6), she is still doing it. She is imputing motives against this Government.

Madam Vice-President: Senator, it is not “she”.

Sen. Baig: The goodly Senator.

Madam Vice-President: Thank you. Continue.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Thank you, Madam Vice-President. I have not imputed improper motives.

Sen. Dr. Browne: Press on.

Sen. M. Roberts-Radgman: I have just actually stated exactly what has been done over the last couple of months. The point is, Madam Vice-President,

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protection cannot become a substitute for proportionality and the fact that a person is young does not mean that they do not possess certain rights or autonomy, personal freedoms and dignity. Now—

Sen. Ratiram: Madam Vice-President, I rise on Standing Order 53(1)(b), she is now repeating herself.

Madam Vice-President: I think the Senator was just trying to get to her point, but she was distracted by you all. So, Senator, just continue, but try not to go back there.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Thank you, Madam Vice-President. Now, Madam Vice-President, the thing is this, for me personally, I strongly believe—let me skip ahead. I strongly believe that if the politicians in here, if we in here, if the politician wishes to police the private actions of its young citizens, then the politician ought to lead by example and police its own public actions first. So “yuh cyah come” in here last week and remove every shred of accountability—here goes the Standing Order from the Government—spending of public funds, but then come this week and shine a flashlight on young people drinking a Magnum and having a smoke.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: That is hypocrisy. If we want to police bad behaviour, then “lewwe” start right in here. Imagine—let me not go there tonight, Madam Vice-President.

Hon. Senators: Go. Go.

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Sen. M. Roberts-Radgman: No, no.

Hon. Senators: Go.

Sen. M. Roberts-Radgman: Madam Vice-President, let me not go there tonight in the interest of time.

Madam Vice-President: Stick to your—

Sen. M. Roberts-Radgman: Not a problem. I note—

Sen. Nakhid: “I going there.”

Sen. M. Roberts-Radgman: I note, Madam Vice-President, I note, Madam Vice-President—all right, you know what, “lewwwe take it there because, it going there anyhow”.

Madam Vice-President, imagine that right here in this Parliament, let me use the wider Parliament, we have had Members, senior Government officials offending us with drunken renditions in very public events, but now we are coming here to pass sweeping alcohol—

Sen. Baig: Madam Vice-President, 46(1); 46(4); 46(6).

Hon. Senators: [*Desk thumping*]

Madam Vice-President: Let us stick—because I think we are dealing with the ages between 18 and 25, 18 and 21 with the drinking. I cannot rule on somebody over 25. Let us stick to the age bracket that we are in today.

Sen. M. Roberts-Radgman: Guided, Madam Vice-President. Nonetheless, we have come here today to pass sweeping alcohol and tobacco bans on adults under the age of 21 and I have noted and I repeat because I think even the Minister of Health, in his response, he himself actually endorsed the argument that was made by Sen. Dr. Browne, he also quoted the NIH article and spoke about the fact that

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older persons within the population tend to be more sensitive to alcohol's effect than younger people.

Now, Madam Vice-President, let me skip ahead and this part I will go through very quickly because some of these arguments have already been, to some extent, ventilated. I know for instance, Tobago Carnival is coming up next month, well, this month, actually, we are in October already. And we have noted where stakeholders have already invested, they have already sold tickets and when you look at a clause like 7(e) and now I am going to the economic implications and the practical implications. Because we have to remember that when we legislate in here, there are citizens out there, there are businesses out there, there are enterprises out there who are affected by the decisions that we make in here. So it is easy to just sit there with hypotheticals and it is easy to just create stereotypes about certain segments of society, as we have heard the Minister of Defence do. But in addition to the segment that he is all too familiar with, there are other segments in society who are affected by this piece of legislation.

So when you look at clause 7(e), which makes it an offence to sell intoxicating liquor to anyone under the age of 21 and then one of the amendments said that, if you are going to sell the intoxicating liquor, then you need to establish that the person has photo identification and if they do not, then you do not sell to them. Now, depending on when this Bill becomes law, what are the implications where tickets have already been sold to patrons over 18? So tickets for your mas bands, it includes alcohol, that is part of the package, tickets for your all "fetes", your all-inclusives, as Senator—

Sen. Dr. Chaitan-Maharaj: 53(1)(b), this was raised by Sen. Attzs.

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Sen. M. Roberts-Radgman: Literally just said that.

Madam Vice-President: Yeah. So, as you mentioned before, you said it. So just move on and continue.

Sen. M. Roberts-Radgman: Guided, Madam Vice-President. The point I am making is that we have to look at the practical reality of what happens when we do what we do in here and how it directly impacts what happens out there. Because so far, we have heard the Government place on the table persons who “smoking black” and “drinking puncheon” in their communities. But has the Government taken into account these stakeholders, these promoters who have invested, who have sold tickets to events to people that include alcohol packages and what then do we do? Because I stand here and I need—and there are persons who are asking.

Sen. Ratiram: Madam Vice-President, the hon. Senator continues to repeat, 53(1)(b). I rise on Standing Order 53(1)(b).

Hon. Senator: It is Tobago.

Hon. Senators: [*Crosstalk*]

Madam Vice-President: I understand where she is coming from, but as you said yourself and I think you are getting caught up in the repetition. So just get to the point that you are trying to make. Yeah.

Sen. M. Roberts-Radgman: Guided, Madam Vice-President. I would like a response at least from one of the Government speakers on how this is going to be implemented, especially given that Tobago Carnival is a few weeks away and—

Hon. Senator: [*Desk thumping*]

Sen. M. Roberts-Radgman:—stakeholders have been asking this question and I have been asked to bring this here on their behalf in the Senate, as is my right to

do.

Now, Madam Vice-President, let me quickly also go to another aspect of this,

another economic and tourism aspect. Can I ask what time is full time, Madam Vice-President?

Madam Vice-President: 7.47 p.m.

Sen. M. Roberts-Radgman: All right, excellent. Good on time. All right. I want to go to another aspect of this that affects us in Tobago, even in Trinidad but I would touch on the Tobago aspect.

Now, there is clause 7(g), of the Bill itself, which creates section 60(B), right? And under that section it prohibits the holder of a liquor licence from having children, a child, in parts of a premises where intoxicating liquor is being sold, that sort of stuff. Now, when you take this in the context of what happens in Tobago's tourism industry, for instance, yes. So if you go down to Crown Point, you go down to Bon Accord, even across to Black Rock and these areas in the evenings, especially on a Thursday to Sunday night, we have a thriving tourism industry down there. So you see families going, they spend the day on the beach, and then they come to the restaurants at night.

Now, based on this new clause 7(g), a child can accompany his or her parent to the restaurant or to the bar or whatever, but the exception ends at 9.00 p.m. So when you take these families—and I am on the ground, I live there. So you go out in the evenings and you see these families out, these families, as I mentioned after a nice long day of “touristing” of being on the beach, or going on a tour and then you sit at restaurant, they are serving alcohol there. Mummy and daddy they are

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having a glass of wine, the children are there eating. How does this work? What does this mean for our tourism industry in Tobago?

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: When parents are now being told at 9.00 p.m. either everybody goes home, or you leave your children, or send your children home, how does that really work? Has there been any consideration of how that affects us over in Tobago? Because at the end of the day, our tourism economy has a particularly high concentration of businesses operating around alcohol, entertainment and hospitality and this Bill, the effect is that it cuts into our consumer base and here I am talking about simple families. So not people who are doing something wrong, misusing and abusing, not people who are smoking “black” or drinking puncheon, but simple everyday families just on the island enjoying a nice weekend and now they are unfairly and severely restricted.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: And if you do not want to think about it from a Tobago tourism standpoint, then just think about, go in any of the restaurants on a weekend in Trinidad you see the same thing. Sometimes you have little groups, they go to MovieTowne and then they may go to, what you call it, TGI Fridays or something, and they have a meal. Sometimes the parents are there with them. Well, now you are saying without the parents they “cyah” even get into these places and even if parents are there chaperoning, by 9.00 p.m. they have to be out. It is almost as if the Government intends to parent on behalf of perfectly competent parents.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: And this is what I mean, Madam Vice-President, when I say it is everybody “gehin touch up”. So you have your young adults “gehin touch up,” you have your promoters, your stakeholders, “getting touch up,” you have your businesses owners “getting touch up,” and you have even your parents “getting touched up”.

7.35 p.m.

And I want to go back on the Tobago tourism aspect just very briefly, because we benefit from Island Crashers, we benefit from Stink+Dutty, “**Clean up with paint**”, we have all of these events on the island, and they attract younger persons, your 18 to 21 crowds, and then when they come, the adults come with them, right? They use it as an opportunity for a little weekend getaway. And while all of us in here, we may have our opinions on those events, we may feel one way about the, and we are entitled to whatever opinion we want to have on events like Island Crashers, the point is, Madam Vice-President, our notions of morality cannot be the basis for passing legislation in the Senate.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Because if that were the case, then many many vices and indulgences would be strictly prohibited right here in this country.

You see, Madam Vice-President, for me, I find it—and I wish that the Minister of Defence was still here because I find it so offensive, there is something inherently bothersome to me as a not-so-young person anymore, but not quite down there yet.

Hon. Senator: [*Inaudible*]

Sen. M. Roberts-Radgman: “Well, you know wa ah mean. Ah gettin there but

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ah not quite there”. It really bothers me to see the Government take this type of stance, make the comments that were made earlier on, penalize and criminalize young people for participating in activities that they themselves endorsed, meaning the Government, and exploited on the campaign trail just a year and a half ago. And we have to talk about things—even during campaigning, we are not so long out of an election season, these things were happening on the election trail and nobody cared. I did not hear anybody then saying, “Well, aye, you know, yuh going and vote. Yuh 18 or yuh 19, but we really cyah give yuh alcohol when yuh come to dis rally, and yuh really should not be smoking dat cigarette while yuh on dis rally.” Where was the care and concern for young adults then? We cannot endorse certain kinds of behaviours when it is convenient to us—

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman:—but then treat these people, treat these youngsters as if they are some kind of outsider, reckless, criminal kind of element now that we are in office. So, I have to join with Dr. Browne. I really wish the Minister was here because it is not the first time that he has made these kinds of utterances and it has to stop.

Now, Madam Vice-President, as I mentioned, none of the young adults that I spoke to disagreed that alcohol and substance abuse is—none of them disagreed that this is an issue. As I said, they revealed some interesting things, right, but let me tell you what they went on to say, and I will quote exactly what they said.

One: The measures in this Bill does not have a deterrent effect, it creates a binge and black-market culture that makes the problem even worse. The second thing they said is that: The Government should refocus its resources on youth

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mental health and the root causes of substance abuse and misuse amongst the prohibited age group. The third thing coming out of those discussions was: Without measures aimed at addressing issues of addiction and rehabilitation, prior to a person being caught committing an offence, prior to being caught committing an offence, prior to being caught committing an offence, especially where cannabis is concerned—they identified the use of weed particularly.

They said: Unless there are measures aimed at catching that very early before someone actually commits an offence, then this Bill does very little to help young adults. All it does is target the young and vulnerable. And the fourth thing that they said—and this is based on like compiling all of their messages, the feedback I got. The fourth thing they said is: Social awareness, education campaigns and early interventions are likely to be more effective in preventing misuse and abuse when young persons reach the age of maturity.

And, Madam Vice-President, I want to very quickly delve into a few of these, I would not take too long on them. And you know, I found the feedback I got to be very solid feedback, coming from the same young adults who the Government is now saying that we cannot trust to make certain decisions for themselves. I want to very quickly touch on the creation of a binge and black-market culture, because I heard a lot of statistics coming out from the US. I will speak from experience, Madam Vice-President, because I went to undergrad in the US, I was a resident assistant on hall, in a dorm, which means I was responsible for the residents there. And I can tell you, every Thursday, Friday, Saturday night, sometimes even in the week, I would respond to distress calls, students were intoxicated, blackout drunk, and here is why.

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Now, these students came from good homes. It was a private Jewish school, that is to tell you. They grew up in an era where they knew from the time they were born, you are not allowed to drink until you are 21, yet because it was prohibited, what they would do is they would find a way to get the alcohol. They did not know their limits; they did not have a choice in what kind of alcohol they got. All they knew was that they were getting some alcohol snuck in for them.

They will hide in their rooms, they will hide in their cars, they will hide behind the building, and they will overdo it, they will binge—they will literally binge, get black-market alcohol and binge until it became an issue, and then you are there calling campus security, you are calling public safety, you are filling out incident reports, you are confiscating all kinds of alcoholic substances because these students, they are prohibited, and because it is so taboo, there is no way to kind of like control it, to regulate it, to keep an eye on them. They knew—they knew the law. Whoever was selling them the alcohol or getting them the alcohol knew the law, but it happened anyway. Because when you severely restrict people's freedoms, especially the freedom of adults, you do not deter the restricted behaviour, you force rebellion and recklessness.

Hon. Senator: *[Inaudible]*

Sen. M. Roberts-Radgman: People find ways to do what they want to do, even if it is not being done openly. Four minutes to go.

There is one more thing I want to touch on, Madam Vice-President, in the interest of time, and I am hoping that at least somebody else will pick up on this and touch on it a bit more than I would have the opportunity to do.

PROCEDURAL MOTION

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): May I move the Procedural Motion? It is not a Standing Order.

Sen. Roberts-Radgman: I know, I know, I know.

Sen. D. Allahar: Madam Vice-President, in accordance with Standing Order 14(5), I beg to move that the Senate continue to sit until the completion of the business at hand.

Question put and agreed to.

MISCELLANEOUS PROVISIONS (ALCOHOL, CANNABIS, DANGEROUS DRUGS, GAMBLING AND TOBACCO) BILL, 2026

Sen. M. Roberts-Radgman: Thank you, Madam Vice-President. Very quickly, clause 9 of the Bill amends section 47 of the Cannabis Control Act so that no sacramental dispensaries may:

“...only dispense to persons over the age of twenty-five.”

You also have section 49 of the Act being amended so that it is an offence to dispense cannabis at:

“...a person under...twenty-five at a place of worship, a sacramental dispensary or an exempt event.”

Now, Madam, Vice-President, I am really hoping somebody could touch on this. This raises an important religious liberty issue because what the Bill does now, those clauses now directly regulate religious practice involving sacramental cannabis. In other words, adults of a certain religious persuasion or persuasions are effectively prohibited at this point from practising their religion.

Now, very quickly also, Madam Vice-President—how much time I have?

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About a three minutes?

Sen. Al-Rawi SC: About three minutes.

Sen. M. Roberts-Radgman: All right, I should wrap up. All right, not a problem.

Madam Vice-President, in closing, let me return to the question of what the Government means when they say, “The Bill is intended to protect young people.” Now, the Bill provides rehabilitation as an alternative to punishment after the State alleges that an offence has occurred. It does not provide rehabilitation as a preventative intervention before young people or a young person enters the criminal justice process.

Now, if the objective is genuinely to protect and rehabilitate young persons, then why is the principal intervention beginning only after the conduct has been criminalized? Why are we not intervening earlier through the same things that the Minister of Health indicated—education, counselling, youth services, early identification, voluntary treatment—before a young adult comes into contact with the criminal justice system?

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Madam Vice-President, we do not need prevention to begin at the police station or when you get a fixed penalty notice. Rehabilitation or protection of young persons should not depend on first making them an offender. For this legislative framework to be proportionate, for it to serve a legitimate purpose, for it to do what it says it means to do, then it needs to prevent the harm before it occurs and reserve the criminal sanctions for conduct that genuinely requires them. With those words, Madam Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

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Sen. Chote SC (cont'd)

Madam Vice-President: Sen. Chote SC.

Hon. Senators: [*Desk thumping*]

Sen. Sophia Chote SC: Thank you, Madam Vice-President, for the opportunity to speak. When the debate began this evening, I kept wanting to hear basically from someone with medical information or medical background, because I thought that that is really where the gap in my information was to be found.

So, I am grateful to the Minister of Health for his contribution. I note that the Minister referred to Sustainable Development Goal 3, which talks about these particular ills—alcohol consumption, tobacco use and so on—and referred to a particular UN report, which I will get back to later. But the Minister of Health confirmed what the hon. Attorney General had mentioned when he opened, that is to say that the purpose of the legislation, or the request to this honourable House to create a legislative shift to ensure that the conduct of 18- to 21-year-olds and the conduct of 18 to 25-year-olds are regulated in a certain manner is basically because it is for the public good.

So, I have tried to put that to the test in the limited time that we have, and I have taken into account what has been said by other Senators in this honourable House, looking at a Bill of nine clauses, multiple sub-clauses, which amends seven pieces of legislation. Right off the bat, I was happy to see vaping included in some legislation, any legislation, because it is quite clear that vaping creates a serious harm to young people.

Unfortunately, I did not think that we heard enough about what that harm meant and why the cut-off period is 21 years. I do not follow why the cut-off period for this is 21 years at all. If vaping causes harms to lungs—and as a lawyer,

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I am speaking, so you will forgive me—what is the harm to the lungs, and what is the harm done to other organs, and what kind of harm is it, and why is 21 years considered to be a reasonable cut-off period? Those are some of the questions which I found myself asking while the Minister spoke, and perhaps another speaker on the Government side will address it.

Now, we keep coming back—various speakers, when they have addressed the legislation, they keep coming back to three obvious ills: One, alcohol and tobacco can lead to health complications further down the road. It is quite clear that alcohol and tobacco will not lead to health complications only in the 18 to 21 age group. So, I do not know that that argument really carries us very far, unless you use a phenomenal amount of alcohol and tobacco during that three-year period, and you get cancer, liver cancer, sclerosis of the liver, fatty liver disease or, you know, one of the horrible things that the Minister mentioned when he spoke.

7.50 p.m.

So, I am not sure that, by itself, that was convincing enough to say, “Let us have a legislative shift because it is in the public good.” Why are we looking at this demographic? It is a question that Sen. de la Bastide asked, and I, too, have to ask because I am looking for the justification for it in my mind. Why is it reasonable to say that this particular demographic of 18-to-21-year-olds needs help or at least the protection of the law?

Two other things come up. Domestic violence: This was raised by the Minister of Defence. Well, we have received no statistics or data to suggest that people within this age group are more likely to commit domestic violence offences than any other age group if they drink or use cannabis or use tobacco. Drunk

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driving: The Minister of Health referred to some statistics which show that yes, people within this age group do have fatalities when they drive regardless of gender. But it was not put in the context of any other age groups. So, it was hard to say that this was something unique to this age group or a problem that we had to solve for this age group.

So those were some of the difficulties that I found in answering the question which I posed to myself, which is, is this in the public good? Are we doing this for the protection of the 18-to-21-year-olds? Are we doing this for the protection of the 18-to-25-year-olds? Are we protecting the wider society? And until these questions have been addressed sufficiently and with data in support of such explanations, I really do think that we have not put enough material before this honourable House to allow, or so say that this legislation should be passed.

Now, the obvious point was made by Sen. de la Bastide. I am not going to talk too much about it. But if you say that it is because people between 18 and 25 still have developing brains, so they need extra protection. So, it means that they need protection from the law so that we do not cause harm to others. Then what do we say about a diabetic man who is an alcoholic and who is driving a motor vehicle and who is heading down the road to Alzheimer disease? To me, he is a far more lethal threat when we consider our public good, our economic good, or any other form of good that we have. And that is the reality.

There are many people within the 18-to-25 age group whose brains develop well—I should rephrase that. The 18-to-25 age group includes people whose brains do not develop at the same rate. So why are we broad-brushing legislation for people within that age group? I still cannot understand why we are selecting, in

one case, 18 to 21, and in another case, 18 to 25. I am still not getting the information, the studies, the data, the research, the explanation from experts who will say or show. And there is no reference to any such in any of the contributions so far. Who will show that this is why we need to segment, because that is what we are doing here. We are legislatively segmenting a portion of our population. Where is the data to say that we need to legislatively do that segmentation? Now it may be that it will come from some other speaker. But I can only talk about what I have heard so far.

Now, there was one aspect of this which particularly troubled me, and it is the amendment to the Children Act. It is clause 6, if I may refer to it. It now permits a child over 10 who is found smoking or drinking or in possession of a tobacco product. Let us say granny sent him to buy a pack of cigarettes by the parlour. It allows that child to be criminalized. Now the existing legislation allows a police officer finding a child in such a situation to warn the child, to call the child's parents, or to contact the Children's Authority, depending, I suppose, on the seriousness of the incident. So, clause 6 is amending section 38 of the Children Act. That is what I am talking about.

So, this amendment now purports to say that it is not simply a warning that you are going to get. It is not simply your parents being called, your guardian, your responsible adult, or the Children's Authority. It now says:

“that...child...on summary conviction...”—could face a potential—“...fine of fifty thousand dollars.”—

I get it. I am not going to beat the point that \$50,000 is the maximum. But even if a child is over 10 years old. Let us say somebody writing SEA is caught with a

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pack of cigarettes running from the parlour home to granny. That child can be charged for a criminal offence and can be fined a sum of money which I am sure he does not have in his piggy bank regardless of whether he is a “1 per cent, a 2 per cent, or 3 per cent.” I find that extremely punitive. If I had to use a word to describe this legislation, which I did not want to because I see there is a great deal of good in regulating alcohol use and in regulating cannabis use and in regulating tobacco use. But what I am not seeing is that the approach being taken in this legislation meets what we want to have. It is not best practice. It is not even better practice.

Actually, it was the Minister of Health who put me on the right road because the Minister of Health mentioned a WHO report from 2025. That report spoke about the UN indicators for the harmful use of alcohol. There was a table for Trinidad and Tobago. It is on the website, and it is not all bad news. Morbidity and mortality as a result of alcohol use have been steadily declining since 2010. The HED figure which the Minister had referred to showed, as he indicated, the slight uptick since 2018, and alcohol per capita consumption has been declining since 2014. So, there is some good news to be had here. But the picture was not complete with that report.

I take you back to where I began with Sustainable Development Goal 3, and that takes us to where we are in 2026. Because there was a meeting in 2018 where countries around the world, including this country, participated, I think it was the 75th meeting of the WHO. We got together with other countries and decided that there should be something called a “global alcohol action plan” for the period 2022 to 2030.

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The experts who prepared that plan collaborated with international partners and experts from all around the globe. I mean, if you read that report, it gives you a tremendous amount of information about how seriously alcohol use and abuse is taken around the world. We are not unique in this culture in using alcohol when we celebrate, or for religious festivals and so on. We are not unique in that. Countries all around the world do it. Young people all around the world binge.

So, it has been recognized as a global issue. A global problem. Luckily for us, there is a global plan. It goes by the acronym SAFER. It is on the website, and it shows each country participating, and ours was one on how you roll out a plan to deal with national alcohol and drug abuse. It is not like we have to reinvent the wheel here. It is there. It is material, presumably. Our own experts work on and contribute to.

So, when the hon. Minister talks about 43.8 per cent of our population regularly drinking. I am sure that, that 43.8 per cent would benefit from a plan based on a well-thought-out report which goes across age groups. It goes across age groups, so we will have a far more significant economic impact if implemented on our health services, for example. If we go and have a look at that plan and consider where it is something that we can incorporate into our legislative framework.

So, I was a little sad and disappointed that that plan had not been raised because it is the most recent one. It is clear that we are mentioned, that, you know, our conditions and Caribbean conditions were part of the considerations by all the experts in that report, and we certainly could have benefited, I think, from having had a look at that plan or having some reference made to it when this legislation

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was rolled out.

Perhaps this gets me to where I was going, which is to say that please [*Laughter*]*—*I say this with a smile because I know in another place the door has been shut in our faces, so to speak, in terms of contributions that we make. But you know this is something that could really benefit from a joint select committee, and we can deal with alcohol abuse across the country.

Hon. Senators: [*Desk thumping*]

Sen. S. Chote SC: I mean, how can we not say yes to that?

I had the benefit, I have to say, of participating in the Joint Select Committee that had to deal with the decriminalization of cannabis way back when, and you cannot anticipate how many groups and stakeholders you get coming forward with informed opinions in such a forum.

So, Madam Vice-President, this is where I end. I hope that I have been able to bring some content to this debate, and I thank you for the opportunity to speak.

Hon. Senators: [*Desk thumping*]

Madam Vice-President: Sen. Lewis.

Sen. Francis Lewis: Thank you very much—good night, Madam Vice-President—for the opportunity to address this Miscellaneous Provisions (Alcohol, Cannabis, Dangerous Drugs, Gambling and Tobacco) Bill.

Hon. Senators: [*Desk thumping*]

Sen. F. Lewis: One of the challenges of this time of night, after so many speakers, is not to be repetitive, and I look forward to the guidance of my colleagues and to yourself should I stray in that direction. I will try my best not to be repetitive.]

I want to start by saying I support the objectives of protecting all our people,

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not just who we refer to as young persons in the land. I am totally in favour of actions to reduce substance abuse, gambling, and the ills that have been described earlier, and the need to take serious action against or to prevent addiction, and to support sensible restrictions on alcohol, tobacco, cannabis, and gambling.

8.05 p.m.

The question before the Senate, I think, is not whether we care or do not care. That is being suggested that if “yuh doh support it yuh doh care”. It is not whether alcohol, tobacco, cannabis, gambling can cause harm. It clearly can and it does. The question is whether this particular Bill, with these particular age thresholds, offences and penalties and enforcement mechanisms, whether there is as has been said, so I would not dwell on it, sufficient evidence, broad-based and proportional and that it is carefully constructed to justify becoming law.

I was very much taken by our hon. AG in introducing the Bill referencing, I believe it was section 53 of the Constitution and the responsibility of the Parliament to make laws for peace, order and good government—I hope I quoted him right—for Trinidad and Tobago. I entirely accept his proposal. But I was struck by—there is another constitutional provision that the Parliament and “we” must equally hold firmly in mind, and that is section 4(a), it recognizes and declares:

“the right of an individual to life...”—and to—“liberty...and the right not to be deprived thereof except by due process of law;”

The Constitution does not say that because the legislative objective is desirable, every proposed legislative means chosen to pursue it, can be automatically justified. I think that is particularly important when dealing with

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adults, and an 18-year-old is an adult, as is a 19, a 20-year-old, a 21-year-old, all the way up to a 24-year-old. These are not people who are approaching adulthood. They are already adults under the law as many have noted, they can vote, marry, have children, work, be prosecuted and be imprisoned as adults and otherwise exercise the responsibilities of adult citizenship.

The Bill does not seek to change the age of majority, but it does create a series of legal restrictions and the questions before us is, whether what we have before us can be defended, justified and whether it is proportionate? While public health measures or concerns are being raised, this is also a criminal Bill. It is a regulatory Bill, it is an employment Bill for some people and it is potentially a liberty Bill. And therefore, I think Parliament needs to scrutinize it in that regard.

I went through what was said in the House up to last night. I think the Government's argument, and I can very much see the point that was being made, and I hope to fairly state what I think is the Government's case and I stand to be corrected, it has five principal components. First is youth protection. Alcohol, nicotine, cannabis, et cetera, can cause harm, and early exposure can increase risk of dependency, patterns of use, injury, adverse consequences. The second has to do with adulthood and an argument that development does not suddenly stop at 18 and people between 18 and 25 remain in a period of biological and psychological development where judgment, decision-making can be susceptible to harmful influences.

The third is international precedence, and much has been said on that, I do not need to elaborate on it. The fourth is prevention rather than punishment where it has been stated over and over that the Bill does seek to criminalize. It creates fixed

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penalty mechanisms and ways of dealing with it. I think one of our Minister's specifically described the Bill as giving a young person who made a mistake, a way back. And the last, another Minister stated that the Bill is about culture change, and the effort to change the culture and save young people—my words, not his—from themselves while indicating that the Government will provide a long enough run-up period to give time to address operational matters.

These arguments, as I understand them, I think are worthy and serious propositions. I wish that knowledge that the Government's evidential argument is not—and here I join with the previous speaker, age 25 is not some scientifically ordained magic number. And I will explain that. But I think the stronger argument that I have heard from the Government, is that the period between 18 and 15 can contain identifiable developmental and potentially addiction-related risks which need to be considered. I accept those propositions as very legitimate. But legitimate propositions for me is not the end of the analysis, it is the beginning.

So, my first question, and I will simply ask it and move along very quickly because it has been elaborated by others, why 21, why 25? It is a deceptively simple question. What is the evidence to establish that these different thresholds are in fact correct? The empirical evidence has not—I have not seen it as yet. I have heard it referred to, but I have not seen it and I am simply not yet persuaded, so let me say that I bring a bias to this Bill that I want to be persuaded. And if the answer is in developmental science, then the science says that we do not stop at the age of 25. Because growing and development does not. There is a popular sentiment that is being expressed at, and let me quote:

...prefrontal cortex finishes developing at age 25.

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I think somebody said that. That is an oversimplification.

This morning in preparing for this I had the opportunity to work with a young researcher and a question I asked the person is, is the science solid? Can I stand on the science and say, “yes”. We can use age 25 as a cut-off point. The person came to me, and this has to be verified because this literally happened within an hour of me coming here to Parliament, is that the science is not as solid as I thought it might be. The research result raised some questions. Let me explain. It is often cited that prefrontal cortex only finishes developing at age 25. But it appears, and I am saying this with a little hesitation, but it is important to put it before the Parliament, this maybe an inadvertent myth.

The study on which this claim is based ran from 1994 to 2004 at which point funding ended. The participants at the end of the study in 2004, were in their mid-20s, and hence the use of age 25 years old as a cutoff became commonly cited. I am not saying it is wrong. I am just saying, could it be that some of the science in which we are depending is something that came about by accident because of the structure of a study, the end of the funding and people drawing up their conclusions based on the data that they had to that point.

Contemporary science indicates that the areas of brain development continue well into the 30s, in fact the mid-30s, and whether we are talking about alcohol, whether we are talking about marijuana, the question of when is the right age is one that is still very much open in my mind. I would welcome independent verification from scientists who can be more objective and quite frankly who do not have a horse in this race. The more intriguing question is, if judgment and cognitive development is ongoing and we believe that poor judgment can lead to

problematic outcomes, then these discussions while we are focused on the elements of the Bill and on substances that can be abused, really can extend to poor judgments that can lead to problematic outcomes that can have an impact making meaningful life choices.

Let me be very specific. I had somebody call me and say, “so after all yuh finish with this Bill, we could tackle when we could let children and dem get married”? I said, so what are you talking about? “Some of them are making bad choices. And they have to pass a law”—I said wait, wait, wait, mash your brakes, but the extension of when does a science say, okay, you have poor judgment? As the previous speaker pointed out, all societies have to deal with this. At what point is a legislative answer the way to go?

So, the age of consent and judgment, we have been offered 25. I am simply not persuaded that the evidence has been presented to justify that, and I very much want to be persuaded. I will explain that in a short while. So, there is no scientifically self-evident line at 25, and my concern is that we should not legislate from a slogan, but in terms of what can be proven as best as these things can ever be proven.

Much has been said about the need for local evidence. I think I have seen more of it presented here today than from the *Hansard* report from the House, but still, as the previous speaker noted and I do not need to elaborate any further, we need a lot more. Because we are not the United States, we are not Canada, Singapore, or the United Kingdom. Our drinking culture and other related cultures are different. Our family structures; enforcement capacity; geography; informal economy; our relationship with rum shops and bars and Carnival and community

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life is quite different; even our illicit markets are different. Therefore, the question I ask of myself and of the Government is, where is the Trinidad and Tobago evidence demonstrating that the proposed thresholds will produce the intended outcomes?

These are measurable questions that deserve measurable answers, for laws or amendments to laws that are quite significant. The issue has been raised earlier of proportionally and out of that, four questions occurred to me. Is the objective, and I endorse the objective, sufficiently important to justify limiting the conduct of adults? I believe it may be in certain circumstances. Second is, is the measure rationally connected to the objective? In some respects, out of the debate today the answer I would come to is a guarded, yes. Third, is there a less restrictive means of achieving substantially the same results? That is where I believe the Government has more work to do.

Earlier on in my career I worked in the alcohol market. Now, this is back in the late 80s, early 90s. I was part of teams that fought the beer wars. For many people you have to have plenty grey hair to understand what the beer wars were. And to understand the impact of market pressures and pricing and how that plays out. So I bring a little bit of familiarity from way back when.

I am not focused on that since then, 40 years ago, 30 years ago, and I am not seeing the evidence of how we have reduced, for instance, tobacco advertising. In fact, there is no tobacco advertising. Sales have dropped. I do not have the numbers to my fingertips. I have seen alcohol drop, and I have seen drinks, non-alcohol-based also giving a high, replace it. Back to the question. The last question is, is the overall burden imposed on individuals and businesses

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proportionate to the benefits reasonably expected? That one is I do not think that has been yet demonstrated.

Now, the Government has made a good point that—it is about the question of maximum penalties and that it does not necessarily mean that the maximum will be imposed, but it occurred to me that, and it seems to me that this does not answer the legislative question. Parliament determines the maximum, it is in the law. Parliament should therefore be responsible for making sure the maximum is justified. The maximum penalty is not meaningless simply because we say a judge may exercise discretion. That does not sit well with me. The question of protection or punishment has come up several times. This to me appears to be more fundamentally a more punitive law than a protective law. If it were protective, the architecture of the law should reflect protection. I would expect to see things referring to education and counselling and treatment and early intervention, family support and mental health services, and youth employment and sport and community development, and rehabilitation, and there is a fairly long list.

8.20 p.m.

The Minister has correctly pointed out that rehabilitation is part of the Bill's design. I welcome that. But if rehabilitation is the philosophy, then the penalty should not be designed primarily as deterrent punishments and then explained afterwards as something that courts would moderate. I would think, and I am putting the question to all of us, should not the philosophy of the legislation be visible in the legislation itself?

One of the concerns I have is, and I will just touch on it briefly because it

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was dealt with earlier, how many people is this law affecting? A figure of 130,000-plus was mentioned in the other place, several times in this discussion. I did some rough calculations, I am not unfamiliar with the statistics of population, and my number came out much higher, somewhere between 160 and 180, depending on various ways of calculating it. I do not know, at this point in time, how many citizens are being impacted, and that is not a political talking point. I would argue that Parliament needs the number, not a guess, not a rough estimation, because if we are going to substantially change and restrict the legal position of a significant section of our population, we have to at least know how many people we are legislating for.

I think that when we look at the process, one of the things that I think is significant and is worth noting is that a number of business groups—Trinidad and Tobago Chamber of Industry and Commerce, Trinidad and Tobago Beverage and Alcohol Alliance, the Bar Owners Association—have all come out in support of changes. What they have asked is further scrutiny of the proposed age thresholds, the penalties, the enforcement capacity and the unintended consequences, and in a number of cases, the potential from illicit alcohol trade and tobacco trade, which apparently is quite prevalent. So, the question is, how do we get the data, as it was stated before, as far as we can use local data to make local decisions?

There is a dimension—and I approach this with a certain degree of hesitation, I must admit—that I want to be very careful with. It is in matters broad and impactful for social legislation such as before us, there are groups that need to be heard, particularly where the legislation affects hundreds of thousands of persons, and ordinary, everyday aspects of their adult lives.

The raw numbers stand out. In the last—in the 2025 general elections, the registered electorate was about 1.1/1.2 million. There was about a 54 per cent turnout. The EBC had the two largest parties receiving, respectively, 29.02 per cent and 19.1 per cent of the registered votes. This has giving us our parliamentary structure that we work with today. But the remaining electorate of about 52 per cent were made up of non-voters and third-party voters, and in all of the consultations that were done, my question would be, how do their views get respected? That is half the population, and I am not at all suggesting that the Government does not have the responsibility, and the right, and the authority to pass laws. But how, in having that mandate, do we carry forward a representation or a recognition of those persons?

A concern I had, Madam Vice-President, has to do with something—and I do not believe this was raised before, and it is something that I had to deal with. It goes under a very interesting title, “the paradox of paternalism”. The paradox of paternalism describes an inherent contradiction where protective interventions designed to safeguard a group ultimately undermine, restrict or stifle the same group’s autonomy and development. That is why it is a paradox. When applied to older generations, as most in this House, enacting legislation for emerging adults—a phrase that was used—in ages 18 to 25, this paradox presents several distinctive challenges. I will cite just three of these.

One is the stifling of necessary autonomy. Emerging adulthood is a critical phase of learning of how to navigate risks and exercise independent judgement. When we restrict unduly younger persons’ choices through, whether it is censorship, financial gating, moral legislation, this denies them practical

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environment required to cultivate true adult responsibility. It is not an easy question.

The second point is benevolent silencing. Because older policymakers, I suppose I am referring to us, acting under the assumption of superior knowledge and protective motives, rarely co-design policies with the youth whom it will impact. This leads to alienation. And it alienates the younger persons from the civic pipeline and leaves regulations disconnected from their actual lived experiences, all done with the very best of intentions.

And the third and the last that I would cite for tonight is counterproductive friction. Overly restrictive protections often yield compliance issues, pushing younger persons into unregulated subcultures or environments out of sight of formal regulatory frameworks, and thus can exacerbate vulnerabilities; the very vulnerabilities that the law says it is designed to protect.

The State seeks to protect young adults from making harmful choices. But adulthood is also period in which people learn to make choices. If we remove every opportunity to exercise judgment, we do not necessarily produce responsible adults. We may simply produce adults who have less opportunities to practise responsibility. And when the floodgates open, as it has been described by others, I do not need to go into it, that is when you see things like the binge drinking, which I, having lived for a while in the US, have seen. It was a very strange phenomenon to me.

Education must accompany regulation. We cannot legislate judgment into existence; we have to teach it. Here I would invoke—I have been working in the education sector for, good Lord, since the late 80s. Among the models that we use

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is one that is fondly referred to as the Bloom's taxonomy. I will just pose a question: Would you describe yourself as educated? And people often stumble on that question and start to cite qualifications as evidence of education.

What the taxonomy holds is that ultimately, education is not simply about learning and comprehension or application so you could get a job. It is also about analysis and synthesis, and most of all, it is about developing judgment. It is about developing the capacity to judge. Because ultimately, the ultimate objective of public health legislation should not be to create adults who are merely compliant, it should be to create adults who are capable of sound judgement, and no law can cover everything. But I wonder how this would get implemented so that it is not imposed from above.

There is a much made of international examples, and I think more nuanced examples are available to us. Let me give three very simple example: One—and I think this was referred to in the House—was Singapore. Singapore had to deal with how do you move the legal age—I believe they were dealing with tobacco. They chose to do it over a number of years. In other words, they did not go from 18 to 21. They said, “We will go from 18 to 19, pause, see how it is working, then we will go from 19 to 20, and then 20 to 21.” So, they did it over a period. I am not sure about the results but my brief reading in that area suggested that it—now, it is a whole different culture—but as an approach, a measured approach, it worked. And that kind of measured approach we announced last year. For instance, when our Minister of Finance announced that we are going to change NIS, he did it over 10 years, recognizing that to move too quickly would be to create too big a shock to the system, and potentially cause harm and difficulties.

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Another example is the United Kingdom, where differential regulations are used around alcohol. Yes, they have a cut-off of 18 for somebody who could order a drink for themselves, but they allow—and this is in their law—that persons between 16 and 17, accompanied by an adult, can drink their beer, wine or cider with a meal, although they cannot purchase it themselves. And it is restricted to drinks with lower levels of alcohol, not higher levels, like gin and schnapps and vodka and whiskey.

The UK adopted an even more novel tobacco model. Rather than simply declaring everyone under a particular age prohibited, their Tobacco and Vape Act prohibited sales to persons born on or after 1st of January, 2009, creating a smoke-free generation.

I came across regulations in France and Germany that regulated alcohol based on the content of the alcohol. In other words, somebody drinking a Shandy, in our local context, with 0.9 per cent alcohol, that is a whole different thing from having a shot of Puncheon. And what they did was they have different age restrictions for different levels of alcohol content. And I thought that an interesting approach, a more nuanced approach and, quite frankly, it is more sophisticated approach. None of these approaches tell us what we should do in Trinidad and Tobago, but it does suggest that more sophisticated regulatory tools are available than simply moving a number.

I mentioned earlier that I want to be persuaded. That means to give us a brief context, Madam Vice-President. All of us—not all of us. I would guess that many people here have had an impact on their lives and their family lives from addiction and persons who have struggled. It is more than a little offensive for a

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person to watch at me and say, “You eh walk de road, you doh know.” What I can say is, I understand the pain. I have family members, as I suspect quite a few of us do.

One in particular, an absolutely marvelous man, struggled and overcame it. And every day it is a struggle, easier as the person gets older, and I simply admire his discipline and how he has tried—not how he has tried, how he has moved his life, and that is just one. There are uncles, there are cousins, so it is not these are alien to us, and so when I look at this law and I am asking myself—and that is why I have to be concerned because I am emotionally affected. Because there are people I know who have been hurt and families—my family, close and extended, that have been hurt. I want it to work and I have to guard against that, because if I bring that bias, then I am not serving this Senate or this country. I have to insist in myself on the discipline of evidence proven, not simply pandering to my bias, and I struggle with it, as I suspect several of us may do already.

8.35 p.m.

I want to move into the conclusion to tell a quick story. This was a case study that I came across quite a few years ago. I was doing a course in international business, and we were looking at consumer behaviour. The particular case concerned two towns. They were across the US/Mexico border, so southern United States and northern Mexico. The two towns were on either side of the border. The American city had a history of persons, regulators, persons in authority who believed that they wanted a dry town and a dry state. They put a lot of restrictions on the purchase and sale of alcohol and restrictions on younger persons.

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The Mexican side did not have those restrictions. What happened, and this was the case study, was that you had every Friday night and on Saturdays, younger Americans driving across the border, it was very easy back in those years, and they would binge drink. They would get drunk. Predictably, something terrible happened. There was an accident; some people died. This was traumatic on both sides. The consequence of that was that a delegation, I believe led by some mothers, went to the Mexican side to talk to the mayor and the officials, basically explaining what happened and to make a request that you need to restrict alcohol consumption.

There was confusion as the mayor and officials listened to the request, and essentially, the upshot of the story was the mayor said, but we do not have that problem with our young people because of how they are introduced to alcohol, actually from quite an early age, and the attraction of getting drunk, as they talked about it, or that would be an offensive language for the Parliament, but getting drunk to the point of “yuh fall down in the gutter” is just not part of their practice. And the mothers said to the mayor, “What are you going to do?” And his response was, “Madam, we doh have that problem; you do. You need to fix the problem at your end.” And that comes to mind. What do we do, not simply to pass a law, but if, as one of our Ministers says, we want to change the culture for the better, how do we do that? Because the law does not operate in a vacuum.

My very last point, Madam Vice-President, is to echo what some of my colleagues have said. Much has been said, many slights and aspersions and innuendos have been passed. But I had an interesting experience last week. Two different persons, one from the Government Bench, one from the Opposition—we

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were talking very casually downstairs, and they said, “You know, how can we make the Senate more effective?” I think one of the statements made by one of the persons was, “The Senate, if used effectively, can make more effective law.”

So, on that thought, I want to offer, and I am not speaking just for myself, because the Independent Bench does not caucus, but I suspect my colleagues, based on comments, will support this. We want these laws to work, whether this or other laws.

Sen. Dr. Chaitan-Maharaj: Then support it.

Sen. F. Lewis: It is entirely your decision to shut out if you want. That may not serve, but it is important that you know, and I speak here for myself, but I suspect others may echo it. I do not come with clenched fists. I come with open palms. I am willing to argue, debate, and try to work it out. And there is enough brainpower, I would like to think, that collectively, collegiately, we can contribute and work with all of the Members of this House, in whatever structure we use, whether it is Senate or joint select committees or otherwise.

Do not let the opportunity to work together evade us. Our young people deserve protection, our young adults deserve respect, businesses deserve clarity, and the police, who ultimately will be dependent on one, deserve workable legislation, and the courts deserve proportionate penalties. The people of Trinidad and Tobago, I think, deserve laws that are evidence-based, constitutional, enforceable, and fair. And so, with that, Mr. President, that is the standard I would like to hold to this Bill, and I thank you for the opportunity to make this contribution.

Hon. Senators: [*Desk thumping*]

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Madam Vice-President.: I would just like to say happy birthday to Sen. Lewis.

Hon. Senators: [*Desk thumping*]

Madam Vice-President.: I was told by the Leader of Government Business. Dr. Swaratsingh.

Hon. Senators: [*Desk thumping*]

The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance (Sen. The Hon. Dr. Kennedy Swaratsingh): Thank you, Madam Vice-President. It is good to know that both Sen. Lewis and my very good friend, the Minister of Finance, share the same birthday. So, wherever he is, I wish the Minister of Finance a very happy birthday too.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: Madam Vice-President, I really did not intend to participate in this debate, because I foolishly thought that some truths were self-evident, and that this would not be one of those debates that would take us long. Like Sen. Lewis, I too have my bias, because unlike you, I grew up with an alcoholic father, who was both a serial womanizer and a serial abuser. So, I did not want to speak because those scars, regardless of wherever you go and wherever you end up in life, always remain part of your upbringing. That is one of the reasons why, as a son of an alcoholic father, I myself never participated, or grew up all my life with the discipline of not drinking alcohol, because part of alcoholism is hereditary and I did not want to participate in that.

But I say that to say, therefore, Sen. Lewis, I sometimes feel that even when we bring the evidence, because, you know, we talk about being in a debate. I am not so sure if you realize how Bills are created. Legislative process, legislative

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review committee, the Cabinet discussions, the guidance from the honourable—
When we say that, people think, why are we bringing the hon. Prime Minister into
everything? Because she chairs the Cabinet.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: And around the Cabinet table, we did not—
it is not just those who voted for us, but all the constituents we represent.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: “So when you say that there is ah section of
persons there—Once we in Government, yuh not—yuh don’t just serve those in
your constituency who voted for you.” You serve everyone in your constituency.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: But I also want to—Sen. Roberts-Radgman,
I am a fairly level-headed person, but there are some words that people use that
sometimes I begin to wonder if they understand what they are saying. They are
what I call the absolutes of life that are not true. Because you keep saying, “Every
time this Government, every time this Government bring, every...” Oh gosh.
Every time you talk, I sometimes feel a particular way, but it is not true.
Sometimes, but they are what I call the absolutes of life that are not true.

It is like we use words like “all ah alyuh”, “everybody”, “every time”, “yuh
always.” That is not true. If it is that every time we bring something, you feel a
particular way, oh my gosh! And that is why I want to go back to Sen. Lewis with
some of the evidence. Because you see, Sen. Lewis, when we came into
Government, we found things—I find things in my Ministry.

Look, there is a report, 2018, right, 2018. “The National Alcohol Survey of

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Households in Trinidad and Tobago (NASHTT): willingness to support changes in policy, laws and regulation”; 2018, Trinidad and Tobago. But it sat there until this Government had the courage to take it and do something about it.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: And I just want—because, you know, when you all talk about evidence, I am not so sure, even if we bring the evidence, that “alyuh” would listen? I am not sure.

In fact, I want to just talk to Sen. de la Bastide. I oftentimes try—I listen to debates. So, when I get up, I respond to people in the debate. But Sen. de la Bastide said something that I find completely egregious. If people could drive at 18 and vote at 18 and do things at 18, then leave them with the responsibility to make those decisions. But it is precisely because we want people to make good decisions that we are protecting them from the influences of alcohol and cannabis so that they can make these good decisions.

Hon. Senators: [*Desk thumping*]

Sen. Baig: Tell them. Tell them.

Sen. The Hon. Dr. K. Swaratsingh: And both you and Sen. Lewis used the word “paternalistic”. What institution is more paternalistic than the catholic church? What do they call priests? Not sisters. They call priests fathers.

I was there for—I mean, what institution put more guardrails around people than the catholic church? Really? For many years before—and this is historical, when Catholicism became the official religion of the Roman Empire, that is how priests had marriage registers. That is how, technically, priests never used to witness marriage. People used to get married before there was a church. But there

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was a marriage register because priests became not just religious leaders, but also civil leaders.

I mean—anyway, let me stick to the facts. I would get—because I do not like this word “paternalistic”. When you think in terms of the—you are saying that the Government—At the end of the day, the Government has to make laws to make sure that we create the environment for people to thrive—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—people to grow and develop in an environment that looks after their well-being. That is the commitment we made, not just on the campaign trail, but that is the responsibility of government.

But this report, and I want to go—I want to just highlight a few things from the report. And it sat there, and you know, to go back to Sen. Robert-Radgman, that we did not have consultation. Newfound belief imposing on the population. My God, the hypocrisy. “Because, you know, we come to touch up, we touching up everybody. The NIB report sat there since 2018. We touch up dat too. Give people a longer life in NIB, and also raise the pension age. We touch up public servants, giving them their 10 per cent that alyuh refuse to give dem.”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: “We touch up crime by bringing crime down, right. What else we go touch up? Well, we gonna touch up everything that have deleterious effects on Trinidad and Tobago, because this Government means business.”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: And we make no apologies for it. I saw

firsthand—anyway, let me go to the—let me stick to the facts.

So, this unit of Public Health and Primary Care, Department of Paraclinical Science, University of the West Indies, St. Augustine, Dr. Attzs, Trinidad Alcohol Policy Advisor, the Healthy Caribbean Coalition, Bridgetown, Barbados.

“Results: One thousand six hundred ninety-five HHs (from 53 ED) responded from a total of 1837 HHs approached (response rate 92%). In a national campaign the following proportions of HHs would support: setting the legal age for drinking at 21 years (82.4%); restricting or banning alcohol advertising on TV and other media (73.1% and 54.4% respectively); banning all alcohol advertising at sports and cultural events (64.8%); banning radio stations playing songs with reference to alcohol use (71.3%); holding sellers of alcohol responsible for the amount of alcohol sold (79.5%); advocating that proof of age to be shown by persons buying alcohol (87.4%); placing more prominent warning labels on products displaying alcohol content (87.2%); placing more prominent warning labels on products showing harmful effects (88.5%); increasing taxes on alcohol sales (87.7%). Less than 50% of HH supported restrictions in density of outlets and reduction in opening times for alcohol outlets”

In fact, I listened to an interview with the Chairman of the Bar Owners Association on *Net Radio TT*, I think yesterday morning, and he categorically said that they supported, as Sen. Lewis would have said, they supported the increase of the age because he said that the persons who are likely and more likely, based on what they have seen, that got involved in violent behaviour were aged 18 and 25. That is the Bar Owners Association, not instruments of the Government. But anyway,

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the study—and I will very much give—

Sen. Alexander: Circulate it.

8.50 p.m.

Sen. The Hon. Dr. K. Swaratsingh: Well, for those who want it, I will give it to them. Now, bare no bones about it, this is—and I am going to refer to other ones—this is 2018, eh. Why is support for these regulations so strong? The study went on to say:

“It is not easy to explain the findings in T&T compared to the rest of the world as this is the first study to examine the population’s willingness to support new policies and regulations on alcohol.”

You want the evidence? I hope you would listen to the evidence:

“Over the years, this community has seen an increase in violent crimes, many linked to drug and alcohol use. Also, many...”—households—“...are affected by intimate partner violence and the effects of alcohol abuse. This idea of second-hand drinking has support in the literature, in this case, persons who experienced family or personal aggressive harms or who were concerned about a relative’s drinking were more supportive of restrictive alcohol policies.”

This hits close to home. It is close to home. I remember, I remember, one time, I got home, and my mother was running out of the house, and I had to run behind her, and grab her, and beg her not to leave. You do not know, Sen. Lewis. I know. I saw that as a little child growing up. Now, my father was not a bad man. He left Cedros at the age of 17. My father from Cedros. He got a job selling cloth for Jimmy Aboud. “In those days, you used to drive around in ah van selling ah

cloth.”

When I think about this, I think about all the young men who grew up in an age where they did not know how to deal with these issues. Now, today, I think about all the young people I deal with, and I see on a daily basis and all of the issues that they have to face; it is not just one. It is substance abuse, alcohol, vaping—and I will give Sen. Chote some data on vaping—cannabis, social media. Our young people need help.

[MR. PRESIDENT *in the Chair*]

Now, we could sit down here and pretend. In a perfect world—Sen. Lewis, I know some of the things you said, you know—in a perfect world, this paradox of paternalism, but in the world we grew up in was broken homes; no father figure. Where it really was a village raising a child. That is the world we grew up in. That is the world I grew up in. I remember—today my mother suffers from Alzheimer’s, bad Alzheimer’s. “Doh know anybody, doh know anything. Cah even talk.” I go to see her every Sunday. I will never ever abandon my mother. You know why? Because when she got married at 18 years, 18 years, she did not know anything about—never worked. But when my father left, my mother had to go and learn to sew, learn to do anything just to send us to school. That was the effect of an alcoholic father who was a serial womanizer, a serial gambler, a serial abuser. That is the world we grow up in.

So, when you come here and want to hear the evidence, I could give you the evidence. I could tell you the effects of alcohol. And that has not changed. That story—I am not unique. That story repeats all over Trinidad and Tobago. Here is the data, and hear what they said:

“In our study, there was poor support for restrictions to be placed on the availability and accessibility to alcohol that would decrease the number of bars and rum shops in the neighbourhood or reduce the duration of their opening hours.”

Let me go on, because I do not want to read everything, and—

“The results show that there was good support for more rigorous control of young people drinking. When asked about the implementation of access controls concerning young people (age < 21 years) support was greater, with more than 3/4 of respondents supporting setting the legal age where alcohol consumption is allowed to 21 years. It may be that young people are viewed as having diminished responsibility and therefore restrictions to access alcohol for this age group is warranted. The international literature supports the view that ‘minimum legal purchase age is effective in reducing road fatalities and other harms with minimal enforcement, but enforcement substantially increases effectiveness and the cost...’”—And it goes on—

But that is not all you know, Sen. Lewis. There was another study in the Ministry that sat down there, and this one is actually—it was commissioned in ’25, but it was published in ’26. This one specifically looked at alcohol use in the University of Trinidad and Tobago, UTT, specific to the universities as a segment and special category of persons. I will just read the conclusion, and I will read some of the recommendations. In this study, it also points to a problem we have in children 21 to 25.

Hon. Senator: [*Inaudible*]

Sen. The Hon. Dr. K. Swaratsingh: Well, young people. I am 61. It is children.

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Sen. Dr. Rose: They are not children. That is the problem.

Sen. The Hon. Dr. K. Swaratsingh: “Well, listen, if you want to talk, get up and talk, nuh. But leh me say what ah have tuh say.”

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: “Because I doh want tuh hear nothing from all yuh on that side, nothing.” And as far as I am concerned, I am still “Father Kennedy”.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: In fact, probably now until this evening, I will be “Major Swaratsingh”. I do not want to hear anything.

Sen. Dr. Attzs: “Yuh cyah make up yuh mind?”

Sen. The Hon. Dr. K. Swaratsingh: No, I am schizophrenic. Anyway, it went on to say:

“Approximately 48.9% to 54.2% of the adult population are current drinkers; a more equitable and economically beneficial strategy is to increase alcohol prices...”—which is what somebody spoke about, but we did that already in the legislation. I think Sen. de La Bastide spoke about—

But it also went on to say that:

“The current legal age of 18 has not effectively deterred underage alcohol consumption, and alcohol-related issues remain prevalent among students aged 21 years and older. The high sample prevalence of lifetime alcohol use...” And I think this is where—and that is why I keep saying, coming from where I came from, I had to manage my own propensity for alcohol. And that is why I never drank alcohol.

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Sen. Dr. Rose: [*Inaudible*]

Sen. The Hon. Dr. K. Swaratsingh: “Except now, because ah all yuh, ah starting to drink. I had to go and take ah lil bit—but, wine, wine. I take ah lil touch up.”

Hon. Senator: Church wine?

Sen. The Hon. Dr. K. Swaratsingh: We actually used to interfere with the church wine when we were altar servers.

Sen. Roberts-Radgman: “Ahh,” confession.

Sen. The Hon. Dr. K. Swaratsingh: I am never afraid of—the truth will always set you free. But it says that the current age—and that is why one of the things that became clear as I read some of this is that the impact that—and I think the Bar Owners Association chairman alluded to that—young adults 21 to 25 tend to have their own tendencies, but that is one of the reasons why we have to try to trap it a little earlier so that they do not get into the habit of becoming alcohol dependent at an earlier age.

“The high sample prevalence of lifetime alcohol use and early initiation indicate that legislative changes must be supported by behavioural and educational interventions.”

I also want to also talk about that, because part of why I think there is a misunderstanding of what these legislations tends to do is that we, on this side, take an all-government approach to legislation. It is—and let me explain what I mean. In an article headlined “Drugs and alcohol youth problems,” published on October 02, 2026, the *Daily Express* highlighted some of the figures related to children presented by the Ministry of the People, Social Development and Family Services. The report stated:

“...a total of 130 children are currently receiving the attention of the...”—
Children’s—“...Authority in dealing with ‘marijuana misuse’.
...‘59 children...’”—are—“...engaging the attention of the Authority for
‘alcohol misuse’...The Children’s Authority is currently supervising 38
children for both marijuana and alcohol misuse...”

The *Express* report also quoted the Minister as saying that:

“...a total of 20 children...dealing with these issues are also clients of the
Children’s Drug Treatment Court.”

Another concerning matter from this article was that the majority of children
involved in marijuana, alcohol, and cigarette use with cases of cannabis use
disorder, also being reported as well as other negative behaviour, range from the
ages of 14 to 17-year-olds. Thank you, Dr. Natalie Chaitan-Maharaj. Excellent
work, my colleagues in the Ministry of the People, Social Development and
Family Services. That is why there is an all-of-government approach to dealing
with this—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh:—from the Ministry of Health, to the
Ministry of the People, Social Development and Family Services, to Homeland
Security, and Defence, and the Attorney General’s Office. That is why when you
listen to us speak on this side, it is not one type of intervention, but several types of
interventions that are being contemplated. How is the Ministry of the People,
Social Development and Family Services impacted, and what will they do in order
to bring their social intervention skills to bear on this. The Ministry of Health, the
NADAP—so when I hear Senators talk opposite and want to—“we doh not need to

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send this to no joint select committee.” We know exactly—we have lived this problem. This has been going on for years, years. You know how many cases I dealt with? “Ah trying to be “Father” not “Major”. But as a responsible government, we refuse to fail the young people of our country.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: And if anybody, especially those on the Front Bench opposite, feel that we are doing this only as a manifesto commitment, “my goodness, all yuh really living in La La land”. The World Health Organization:

“An estimated 400 million people, or 7% of the world’s population aged 15 years and older, lived with alcohol use disorders. Of this, 209 million people (3.7% of the adult world population) lived with alcohol dependence. Alcohol consumption, even at low levels can bring...”—all kinds of—“... risks...”—which the Minister of Health went through—

And I do not need to go over this at all, but these are the data and statistics we see on a regular basis. Who will want any Government to come here and sit and do nothing? No, that is not us. I am so sorry.

9.05 p.m.

Mr. President, welcome back, sorry. The Government has indicated that the proposed changes are intended to allow for a transition period, and I think the hon. Attorney General could speak more eloquently to that. I think somebody asked if this will be implemented now, and so there is a transition period, and I think the Attorney General can deal with that.

I also want to mention one or two other things that I found. In fact, I think if

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I go down that road, I might get a little bit too emotional. Oh, I know I promised Sen. Chote—I know the Minister of Health sent me something on vaping, and I promised I would bring it to the attention of the hon. Senator.

The Ministry of Health has advised that the tobacco industry has developed a new wave:

“...with new nicotine products, aggressively targeting young people. Governments must act faster and stronger in implementing proven tobacco control policies.’

The tobacco industry is introducing an incessant chain of new products and technologies for its aim to market tobacco addiction with not just cigarettes but also e-cigarettes, nicotine pouches, heated tobacco products among others, which all harm people’s health, and more worryingly, the health of the new generations,”—of— “youth and adolescents.”

And, of course, you have all these new types of vaping apparatus when you go to these parties, and so on, even at restaurants as well.

A recent release by the WHO global report, dated October 06, 2025, shows the following:

“...more than 100 people worldwide are now vaping.

- Adults: at least 86 million users, mostly in high-income countries.
- Adolescents: at least 15 million children”—ages—“(13–15) already using e-cigarettes. In countries with data, children are on average nine times more likely than adults to vape.”

And there is this illusion that vaping is safer than cigarettes, and so there is a greater propensity for people to let their guard down.

As of February 2020, a total of 2,807 cases of e-cigarette or vaping product use-associated lung injury across all 50 US States were reported to the CDC. Among the hospitalized, the age medium of patients was 24 years. It is material to note that patients were as young as 13 years, with the under-18 group accounting for 15 per cent of all hospitalized patients. And I can share this with you, and all the other data is there as well.

But I wanted to put that in context, hon. Senators, because this is not legislation, according to Sen. Roberts-Radgman, based on a new-found belief. A lot of this data sat in government for years. Sen. Lewis quoted studies going back to 2000. It is not a recent thing. We all know that as young persons develop, especially today, the amount of challenges that our young people are facing, if it is that we need to be a little bit more paternalistic to give them the added room and space and cushion to develop the mechanisms to deal—sorry, I do not want to start preaching. This legislation is good legislation.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: I remembered when, I think it was Sen. de la Bastide who talked about AIDS and HIV and so on. I remembered the first female—in fact, the only female soldier I buried in the defence force when I was Chaplain down there, died of AIDS. I mean, I have stories I could go back and tell. You have not walked my journey, so when you talk about these things—I remembered in those days, we thought people who knew better would do better. It never worked. It never worked. Millions of people died with HIV before we could develop a cure. Today, people are living with HIV, but they are still contracting it because there is a presumption, where we come from—we presume people who

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know better would do better.

I can tell you, the amount of young people I have had to help cope with the challenges that they face. When we were growing up, we had what was simple. It was just weed and alcohol. That is all we had. “Thief lil mango here”. Today, young people are being faced with a plethora of things, even before they develop the skills and mechanisms to cope with it. So, if it is that we have a little bit more paternalistic, yes.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: According to my friend, Sen. Nakhid, *Alhamdulillah*. We have to, because we have lost too many of our young people to needless violence, to substance abuse, to gangs. We have lost too many of our young people. And, you know, somebody said, “What is the rush?” What is the rush? Because we do not want to lose one more.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: And if we, who know better, do not do better, then woe unto us. When it is we want to sit down and create—there is never a perfect scenario. You have to act on the information. That is what leaders do. Leaders lead.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: So, I beg to differ. I hope the hon. Attorney General does not get vexed with me, but no joint select committee, you know. This legislation is important legislation. It will save lives. It will help—sometimes we have to do what we know is the right thing to do. You think it does not have young people who will tell us, Sen. Roberts-Radgman and others, you know—Sen.

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Roberts-Radgman said, “We punishing people.” You know what the punishment is? It is to leave the status quo and do nothing. That is punishment.

Hon. Senators: *[Desk thumping]*

Sen. The Hon. Dr. K. Swaratsingh: We—

Hon. Senator: That is what they want.

Sen. The Hon. Dr. K. Swaratsingh: Well, at the end of the day, I am sure—and I want to thank my colleagues. I want to thank the Cabinet, the Government of Trinidad and Tobago. I want to thank the Prime Minister, the Attorney General. This is good. I fought for this. Because I never knew—I did not know that this legislation would have ever been possible. I sometimes sit with young people. You remember when we had the rehab centre at Mount St. Benedict? You remember that?

Sen. Nakhid: I remember that, yeah.

Sen. The Hon. Dr. K. Swaratsingh: Until you walk with families and bury their children—I remembered when I was in A levels classes at St. Augustine Senior Comprehensive, I had a friend living in Valsayn, and as she was turning from—in those days, you could have swung into Valsayn North, after you park at Valpark there. And when she was swinging into Valsayn North, with her sister in the passenger side, 18 or 19 years—we were in A levels class—a drunk driver came up to the—

Sen. Nakhid: The side.

Sen. The Hon. Dr. K. Swaratsingh:—side and killed the child on the spot. No more. No more.

Mr. President: You have five more minutes, Minister.

Sen. The Hon. Dr. K. Swaratsingh: Thank you, Mr. President. But, Mr. President, you know, *dominus vobiscum*, I do not want to have to go into my priestly self tonight, but I buried my friends. And I can tell you that even if some people do not realize or may not want what this—or may be opposed to what this Bill is, we who are here tonight, we have an obligation to build a better Trinidad and Tobago. And all our anecdotal evidence and all the experiences we have, it is more real than any expert coming and telling me what I know, what I lived.

That is like—I remembered when I worked at Massy, I had a chairman called “Joe” Tesheira, a wonderful man. He died recently. I remember Mackenzie came. They paid Mackenzie \$1 million. Joe said, “What Mackenzie could come and tell me?” Joe turned around the thing, and Mackenzie took the million dollars, but Joe, he was such a brilliant man. What do we want experts to come and tell us? What we already know? Comes on, man.

So, hon. Attorney General, you have my full support. I support this Bill, colleagues. I commend this Bill to all of you, and if anybody is unsure about what this Bill speaks to, the last thing I will say is, I buried my father from liver disease. Mr. President, I thank you.

Mr. President: Sen. Dr. Margaret Rose.

Sen. Dr. Margaret Rose: Thank you, Mr. President, for allowing me to contribute to this debate. And you see, this last contribution that we just had from the hon. Minister puts everything into its appropriate context. Good policymaking is not about opinion polls. Who says they want to do what you want to do? Good policymaking is not about our personal anecdotes and what we have gone through. That is not what good policymaking is about. When you hear Sen. Lewis say that

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he has his own personal bias and he puts it aside because he knows the role, the constitutionally-appointed role that he has to play, that is what we are here to do: Determine what good law for the citizens of Trinidad and Tobago is.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: And this last comment from the hon. Minister, that, “What they want us to do is leave the status quo and do nothing. That is what they want,” that is what he says. You see, the hon. Minister—he is rushing out now—is operating under a false binary. No one in this Chamber—we have sat here for many hours—on this side, in terms of the Independents and the Opposition, not one person has said do nothing. Not one has said do nothing. This Bill—every single contribution has said there is a legitimate objective.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: We all agree that there is harm from alcohol use, smoking, tobacco, cannabis and gambling. We all agree that there is a legitimate objective that this Bill is seeking to address. And so every single contribution on other side has focused entirely on the issue of harm, that there is a harm, “Oh, Lord, there is there much, there is so much harm, and I am father, and we are going to be paternalistic, and I am here to protect the children.”

9.20 p.m.

Every single one of them that has done that has confined itself to that one area of the Suraj test. Is there a legitimate objective? The second point, is it rationally—are the measures rationally connected to the Bill? Yes. We have all agreed, every single person has agreed that.

Where the debate is, and where we ask you to join with us, is where we are

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saying, are there not less intrusive measures—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—that can address this harm? And are we really balancing the fundamental rights and freedoms of 18, 19, 20, 21, 22, 23, 24 and 25-year-olds who, under the law as it stands today, can drink a glass of wine with their family, they can go out to dinner, they can have a date.

Sen. Allahar: 53(1)(b), tedious repetition. We have been arguing this for hours.

Mr. President: She has just started. I want to give her a little—

Sen. Dr. M. Rose: Thank you very much. We only have 40 minutes. Thank you very much. So there are fundamental rights and freedoms that exist today, 18 to 21 to 25. And you are coming with just a couple days' notice to take that away in one fell swoop.

Very interesting that the hon. Attorney General in his contribution mentioned Singapore. I was impressed. I said, he is mentioning Singapore, because I have done my research. I looked at Singapore, because Singapore is known for being a jurisdiction with moral laws and for dealing with these things. And the hon. Attorney General will correct me if I heard him incorrectly. But he said that Singapore has this phased progressive approach to these things, 18, 19, 20, 21. Well I want to tell the hon. Attorney General that with respect to Singapore and alcohol, that is not accurate. You can go and check it. With respect to Singapore and alcohol, 18 years is the age that you can drink. In Singapore, one of the most morally-regulated countries in the world, 18 years is the age.

With respect to smoking and tobacco use, as Sen. Lewis said, there is a phased approach. And understand the importance of that phased approach. So that

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the persons who at 18, it was 18, it was 18 years old for smoking as well, tobacco. And what they decided to do, because they understood the harm, the fundamental rights and freedoms of those who were 18, 19, 20, 21 already smoking. They could not come in one day and say, oh, illegal tomorrow. So they said 18, 19, 20, 23 years; 18, we are going to move it to 19, then to 20, then to 21. In 2017, they passed it and then over three years, successively. And it was a successful measure. Right?

You have not come to us with this, with a phased measure so that we could try to articulate, is this something, is it balancing the rights fairly? You have not done that. Also, you are mentioning Singapore. Singapore has no jail time for these types of restrictions that they are placing on their 18 to 21-year-olds. There is no jail time. There is no creating of these kinds of penalties that you all are doing. Because what is being missed here is that we are not concerned about the legitimate objective. We are not concerned of what you are trying to do. We want you to do it. I join with Sen. Lewis. We want you to find an appropriate way to regulate this to save and protect our children. But protection is not synonymous with punishment.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: And it is not synonymous with prohibition in that way. It is not.

And I want to talk a little bit about this paternalistic thing that has just come up, that Sen. Lewis raised, someone else raised, and then we see the authors of this situation. This Government sees itself—there is a theory of government. It is a paternalistic theory of government. Is that what we signed up for in Trinidad and

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Tobago with our Constitution, Mr. President? It cannot be. It cannot be. The Cabinet of Trinidad and Tobago, I have heard it. We have heard it in their commentary. We have a mother of the nation. And the mother loves the children and taking care of us. We just heard it in this Chamber, that he is a father, will always be a father, and he is promoting a more paternalistic approach.

I am requesting, I am demanding that this Government holds itself to a much higher standard. The standard that is embedded in our Constitution in Trinidad and Tobago; a constitutional standard of Government. A constitutional standard where fundamental rights and freedoms, though not absolute, they govern the way we operate in this country. Fundamental rights and freedoms are our starting point. The Constitution is our grundnorm. I have no father in hon. Minister Swaratsingh. And I have no mother in the Prime Minister of this country. The Cabinet are not my parents. And the Cabinet, they are not the parents of the 18 to 25-year-olds that are being regulated by this Bill.

Sen. Allahar: What about Eric Williams, the father of the nation?

Sen. Dr. M. Rose: Okay, that is in the past. We are talking about today. We have no mother and father. We need to get more serious about who we are and who you are as politicians and leaders. You are not parents. You are servants of the people of Trinidad and Tobago. That is who you are. You are servants.

And when you look at the provisions of this Bill. Because, you know, we have been talking about 18 to 21. And we have been talking—you need to tell me when I am about 15 minutes out—18 to 21 and then 18 to 25. We have been talking about those two groups. We have been talking about those two groups.

But, Mr. President, a fundamental shift, legislative shift, has been created by

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this Bill for another group, ages 10 to 18. That is a massive shift, clause 6(e)(3). This is a fundamental problem with this Bill. We cannot go forward with this. We cannot support this. And let me explain why. Because it completely reverses certain burdens that we have and certain approaches to dealing with children that we have in this country. In this country, children are not liable for certain things. Adults are the ones under the children's offence. If there are children doing something, the adults are the ones with the liability. What is this? Ten years old and you are criminalizing? And you do not want us to say that, but you are doing it. A 10-year-old—

Sen. Baig: Mr. President, 53(1)(b). This was raised by Sen. Al-Rawi and answered by the Minister of Defence.

Mr. President: Yeah, I think I would like to uphold that Standing Order. It was raised. It was responded to. So you could just en passant and move on, please.

Sen. Dr. M. Rose: I have a different approach to the topic. This has not been raised. The point that I am about to raise has not been raised.

Mr. President: Listen. Listen. I am just saying to you that it has been raised. It has been responded to. You are going over that same point. I am asking you to just tie up and move on.

Sen. Dr. M. Rose: *[Inaudible]*

Mr. President: And listen, do not respond to me. You move on. I do not want any qualifications. Okay? Just move on, please.

Sen. Dr. M. Rose: Thank you, Mr. President. I am going to move on to penalties, and penalties in respect of this clause 6(e)(3). The penalty of 50,000 and the irrationality of this penalty. When compared with other children offences, other

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offences that children in Trinidad and Tobago are liable to, Summary Offences Act, minor disturbances and nuances, the adult is the target of the fine, TT \$400 to TT \$3,000, the adult to pay it. Child begging in public, the guardian or the child, TT \$1,000, adult committing cruelty to a child, the adult, 5,000. We have a situation where an adult committing cruelty to a child has a maximum fine of 5,000, but the 10-year-old buying the cigarettes, take home for the mother and father, \$50,000? It is irrational. It is irrational.

Sen. Smith: 53(1)(b), Mr. President. The Minister of Defence—

Sen. Dr. M. Rose: Who said it is irrational before?

Sen. Smith:—already raised this and dealt with it.

Mr. President: Listen. Continue and just tie up your point and move on, please.

Sen. Dr. M. Rose: But there are three points I want to raise about this section, clause 6(e)(3). So it inverts the historical burden of adult liability, where adults are penalized for exposing the child to drugs. The penalties, as I am saying, this is point 2, are entirely irrational and it also violates the spirit of this *doli incapax*. It violates that common law principle.

Now, the Minister of Defence came and he mumbled through *doli incapax*, so much so, some of us were a little confused. Is he saying the right thing? Is he saying the wrong thing? What is he saying? Let me try to make it very clear because I am a very simple speaker. I think people can understand that now, very, very simple. Zero to seven, *doli incapax* is a principle which indicates that they can have no capability of committing a crime. They do not have what is called *mens rea*, that is the intention. They cannot commit a crime, zero to seven. Seven to 14, *doli incapax* continues to apply. That is the common law principle.

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However, the distinction between zero to seven and seven to 14 is 7-14, there is a rebuttable presumption there. So it is a presumption that you are incapable of committing the crime, but a prosecutor can rebut that presumption by cogent, compelling and convincing evidence. Right? Well, the other people were confused. So, by convincing evidence that they were capable of committing the crime, they were not mischievous, they understood the seriousness of the right and the wrong. That is where we are. And we have a Bill here, 10 to 18, reversing this situation, creating an offence for 10-year-olds, 11-year-olds. It is unheard of in our law for something like this to exist.

Now let us go to the fixed penalty notice, because the argument against that is, oh, but there is a fixed penalty notice. This is not a pure criminalization thing, because they may never go before the court, because they can do A, B, C and D. Well, one, we do not know what that fixed penalty is. What is this? You are coming to the Senate, asking us to agree to something, that our young people and children, children and young people, will be liable to a fixed penalty notice, but we do not know what it is? A fine of something that we do not know what it is? And it is the Minister, by negative resolution is going to set what that is? That cannot be right. How can we give you support? You are asking us, who would not support this? How can we support this? We do not know what you are going to impose.

And this argument that when they go before the court, the courts are not going to give the maximum, it is a nonsense argument. No person sitting here can say what a judge or magistrate is going to do. You have created an offence with a maximum of \$50,000. A citizen before the court is at risk of it. It is what you have done. So

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do not come here and try to pretend to the public, the people of Trinidad and Tobago, that our children, 10 to 18, and our young people, 18 to 25, are not at jeopardy of a \$50,000 fine and jail time. Do not come and try to lie to the people of Trinidad and Tobago.

Hon. Senator: You cannot say that. You cannot.

Sen. Dr. M. Rose: I withdraw it, please.

Sen. Dr. Swaratsingh: And apologize.

Sen. Dr. M. Rose: I apologize.

Sen. Baig: Withdraw and apologize.

Mr. President: Listen, listen, listen, please. I think she has withdrawn. She has apologized. Continue, please.

Sen. Dr. M. Rose: And I will do it again. I withdraw and I apologize.

Mr. President: Continue.

Sen. Dr. M. Rose: Right? I do respect the Members on the other side, you know, because sometimes when I look across at them and I see them with their arguments and what they are saying, part of me thinks they genuinely believe that they are doing the right thing.

9.35 p.m.

Sometimes I really get the impression that you all believe that you all are doing the right thing. Good intentions do not make good law.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: Good intentions only, do not make good law. Because you have brought a lot of evidence here about the harm, but there is no evidence, and others have said it, and I just repeat it in one sentence: there is no evidence about

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the efficacy of your proposed age limit. No evidence about the efficacy of your proposed penalties. There is none. We do not have it. When Sen. de la Bastide spoke about New Zealand and the US, he was actually teaching all of us how this issue has been approached in other jurisdictions where they did their studies; they had their statistics: how many of the young people did A, B, C and D, how many of the young people—right now, we do not even know. The only numbers from anywhere, about what segment of this population is addressed by this, come from the Opposition and the Independent Senate. What is that?

The Opposition, in another place, said 130,000 young people. The Independent Senate Bench said it could be 160-180-something. How can we support this proposed legislation when we do not even know from the Government, which has the repository of all statistics in this country, has not come—no one has come to tell us how many people are going to be affected by this, and what segment of the public is actually at risk. We have Ministers coming here—not anyone present now, but Ministers coming here—and giving anecdotes, disparaging segments of our population, and characterizing parts of our large geographic areas of Belmont, this, that—all—this is the problems that they face.

You all see me get up here, and I am very impassioned about this Bill. Minister Swaratsingh, you have passion, but I have passion too. I care about the poor, disenfranchised, and marginalized people in Trinidad and Tobago. It is the reason for the work that I have always done. And I refuse to sit here and hear a Minister of Government coming and disparaging a large part of—well, not even a large—a small part of our population, and saying they are—Oh, my God. And what they are telling us, Mr President, is that this law is going to be

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disproportionately and selectively applied.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: When you hear the Minister of Defence come and say these kinds of things, they are confessing. They are telling you where they are going. They are telling certain Independent Senators, “It is not about you”. “When you go in your house, and you go to West Shore, we are not really thinking about you, but we are thinking about this group, and that group, and this group, and that group.” “Cyah be fair. Cyah be right.” The People’s National Movement will stand in defence.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: We stand in the gap. And we do not have the power here; it is only six votes. We do not have the power here, but we have our voices. We have our voices. This is bad law.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: This is bad law. You see, this Government with this paternalistic approach, they come here—and let us just talk a little bit about the underlying philosophy. How much time do I have?

Sen. Roberts: A minute.

Sen. Roberts-Radgman: Twenty minutes, I believe.

Sen. Dr. M. Rose: Good. I want to talk a little bit about the philosophy underlying this proposed Bill. Because no one has—I mean, you come here to try to persuade us to support you on this Bill. And it was only in the last few minutes that we got from Minister Swaratsingh, some opinion poll, some study, and stuff. We did not get this in the whole Lower House—none of that, none of it. But we

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come here—and we want to talk—no one has spoken to us about what the underlying philosophy is in this Bill, but I will help. Because I can read the Bill, and I can understand what you are attempting to do here.

I would posit—and the hon. Attorney General could come and say, “Yuh talking stupidity” or not—that this is a theory of deterrence here. It is a deterrent policy of criminal justice. That if we create these offences, and raise these penalties, we are going to prevent the harm. You see, if we create the offences, and raise the penalties, we are going to prevent the harm. It is a deterrent theory of justice; a flawed theory. A completely flawed theory. A theory that has been thrown out, debunked—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—completely debunked, by the same neuroscience that they are relying on. But before I go to the neuroscience, I will go to the law, and to the studies that have been done into a deterrent theory of criminal justice. So, in the US National Institute of Justice, in a report that they did, they have done their surveys and their studies in terms of all of the laws and the rules that they have.

Hon. Senators: [*Interruption*]

Sen. Dr. M. Rose: I am going to ask for your protection. I am hearing a lot of noise. I am not able to hear myself, Mr. President.

Sen. Roberts: That is from your other boss.

Mr. President: All right, just allow the hon. Senator to speak in silence. Continue.

Sen. Dr. M. Rose: Because when one thinks about—but before I debunk the theory, I think what I should do is explain the theory a little more, just really

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quickly. I will do it exceptionally quickly, Mr. President, because I am watching my time. But let me explain a classical understanding of a deterrent theory of deterrence. Hang on. I have it here. It is based on three things: Certainty, celerity, and severity. Certainty: there is a high likelihood—this is what the deterrent theory is—that an individual will actually be caught and punished. Celerity: how quickly the punishment is carried out after the crime occurs; and severity: the intensity of the punishment. These three features make up the deterrent theory of justice. But let us go with the first one. Certainty, the likelihood that the individual will actually be caught and punished.

I heard one of the Ministers or Members on the other side, when they were making their submission, saying, “We hear it all de time about enforcement, enforcement, enforcement”. Oh, my God, how many years this is going on? I am reading the *Hansard* and always “enforcement, enforcement, enforcement”. But that is critical in criminal justice. It must be asked every single time. Because the question we need to ask about this type of Bill is: Is it that we have a question of not enough law? Or is it that we have an enforcement problem?

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: Have we diagnosed what the problem is with respect to alcohol, smoking, and these kinds of issues that we are trying to—and I would suggest—we have the harshest penalty for murder in Trinidad and Tobago. That has not shown any deterrent. And in fact, the issue with the deterrence theory of criminal justice is that it is only effective when there is high enforcement capacity. We do not have a tradition of that. So do not attack Senators on this side when they are asking, “How is this going to be enforced”? When you are asking about our

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culture, carnival, all-inclusive bans, and all-inclusive fetes, this is our culture. You all may not like it, but this is our culture: Carnival, all-inclusive fetes, all-inclusive bans. How is that going to be enforced?

Sen. Alexander: Mr. President, I stand on 46(4). I am trying to understand who she was speaking about as the “allyuh who may not like it”.

Sen. Dr. M. Rose: Withdrawn and apologized.

Mr. President: All right, I think she apologized.

Sen. Dr. M. Rose: Yeah, withdrawn and apologized. I need to move on. I will not be deterred. So that is the classical theory of deterrence theory. On the issue of severity, Beccaria and Bentham are the theorists that put forward this classical deterrence theory. They stressed—this is the issue of severity I am going to look at now—that punishment must be strictly proportionate to the crime. Any excess severity beyond what is necessary to deter others is tyrannical and counterproductive.

Sen. Allahar: Mr. President, 53(1)(b), we have been speaking about severity all day.

Mr. President: I am giving her an opportunity to continue. Continue, please.

Sen. Dr. M. Rose: Yeah, and so the “Deterrence in the Twenty-First Century”, Daniel Nagin’s review, 2013, says that the deterrent effect of a particular Bill is more consistent where the apprehension risk is certain—where the risk that you will be apprehended and the law will be enforced; that is when you can rely on the deterrent theory of justice, not punishment severity. In respect of this deterrence theory, I want to quote the CARICOM Regional Commission on Marijuana, 2018—that particular report. I believe this hon. Attorney General either here or

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below—not below, old-fashioned thing—

Hon. Senator: The other place.

Sen. Dr. M. Rose: The other place, thank you—quoted from this particular report, “Waiting to Exhale — Safeguarding our Future through Responsible Socio-Legal Policy on Marijuana.” I want to quote from that policy as well, Mr. President, because the Attorney General invoked it. On page six of the 2018 report, “Waiting to Exhale”, the Attorney General did not tell us this part. They expressly stated:

“...young people who use marijuana should be directed to treatment and diversion programs rather than being prosecuted or criminalized.”

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: So the same report that has been used to rely on, does not justify the gravity and severity of the mechanisms employed in this Bill to protect our 18 to 21, 18 to 25, and our 10 to 18-year-olds. It does not—the same commission in that report recognized the risks. It supported age-appropriate restrictions with an exception for medical reasons, but it distinguished restricting access from prosecuting the young person who uses cannabis. Its answer was treatment and diversion. That recommendation appears later on again at page 65.

Now, if we compare that with the Bill that is before us, clause 6 creates a criminal offence for a child over 10 in specified circumstances. The Government will say, “But we have provided for rehabilitation”. But let us go back to that fixed penalty thing because I think I was distracted when I was talking about the fixed penalty thing. Because that fixed penalty—one, we do not know what it is. Two, if you look at that clause that speaks to the fixed penalty—that clause was 38—and I will tell you what it is shortly—clause 6, 38C(1). When you look at that, what it

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does—this is not a mandatory thing, you know, that this fixed penalty that they are saying, “Oh, it will go through a fixed penalty”. “It will always be a fixed penalty, or prescribed treatment. It will always be that.”

No, please, let us look clearly at what was said in this legislation. New section 38C says:

“...a police officer...may...”

I do not know if that was a mistake—another example of sloppy drafting. Because the hon. Minister spoke at length just now about vaping. I think he should be saying, “Thank you, Opposition, thank you Opposition, thank you Opposition, thank you Opposition”. Because when this Bill came to the House of Representatives, it had nothing to do with vaping. And this is why we say—they are going to jump up 53(1)(b)—but this is why consultation matters. “Thank you, Opposition.” We want to hear it, “Thank you, Opposition”. So the fixed penalty, not only do we not know it, but under 38C(1) —which I am trying to find—yes, 38C(1):

“Where a police officer has reasonable grounds to believe that a person is committing or has committed an offence under sections 38(4), 38A, 38B, he may...”—got you—“...he may issue to the person a fixed penalty notice charging him with the commission of such offence...”

And that fixed penalty notice is either you pay the fine, or you go to the prescribed thing. Come on, “he may”. What does that mean?

9.50 p.m.

What does that mean? So, if he does not issue the fixed penalty notice, the offence—he could send you to court straight away. If that is not your intention,

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because that is what you all have been saying throughout the Lower House and here, then change that “may”. Change it to “shall”; “he shall”, because that is scary. You see, what this Government has done in this Bill, it is a flawed policy based on deterrence. It enlarges this discretion given to a police officer to determine whether you are going to give a fixed notice penalty. It enlarges the discretion on the Minister what that fixed notice penalty is going to be. It is entirely disproportionate and irrational, in that—another point that has not been fully exhausted here yet.

We heard the Ministers on the other side speaking about driving under the influence, and what is the harm, and we are trying to deal with that, and all of that. But this Bill, the severity of punishment here, is more—first, we already have laws dealing with driving under the influence. And for driving under the influence, it is \$24,000 for the first offence—that is your fine—or three years imprisonment. But under this law, it is \$50,000 or—I mean, come on.

I want to commend the Government on the stringent measures taken against persons who are supplying and providing these things to our young people. I commend that and I join you with severe penalties for people who are in that business to minors, right; to minors, not these young adults that we are talking about. So, if you want to increase penalties, just dealing with minors, people under 18, and what they are—in terms of selling, I endorse and fully support that; and fully support that.

But a point that has not been fully explained, when you look at the—what I would think is the displacement—the point has been raised. It has been raised and I just want to echo the comments made on this, because the evidence of

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everywhere you prohibit and you bring these regulations, what in fact happens is that you drive the entire thing underground. Has the Government done the appropriate analysis of where these people, who are accustomed getting their alcohol, accustomed getting their cannabis—

Mr. President: Senator, you have five minutes.

Sen. M. Rose: Yeah, thank you, Mr. President. Have they done that analysis to see what is going to happen when they do this? Because we have a plethora of experiences globally that we can turn to, the prohibition era in the US, where you saw what happened, a new market emerged. So, when you regulate, you know, what are you going to do?

This regulation—let me tell you what I feel about this regulation. This is not evidence-based, but you all have been in this era of what you feel about it and all of that. So, I want to join—

Sen. Allahar: 53(1)(b), Mr. President.

Mr. President: The hon. Senator only has a few more minutes again and she is going to wind up.

Sen. Dr. M. Rose: Yeah, God, our vote counts for nothing. Let me speak, right? So, yeah, you know, what is going to happen with this legislation is this—because they are going to pass it regardless of what, right? This is going to disproportionately affect the average law-abiding 18- to 25-year-olds.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: You are going to disproportionately—that is going to be the impact. Because these 18- to 25-year-olds, who are in large part of that statistically—you cannot disapprove what I am saying—

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Sen. Baig: Mr. President, please, 53(1)(b)

Sen. Dr. M. Rose:—are the largest part of the 100-and-something thousand—I do not know why they are so frightened when I speak. Two minutes.

Hon. Senators: [*Desk thumping*]

Mr. President: You have a Standing Order that you are raising it?

Sen. Baig: 53(1)(b), Mr. President. It is the same thing over and over.

Mr. President: I am saying, the hon. Senator has three more minutes. She is wrapping up. Continue, please.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: Yes. And so this Bill is going to impact the law-abiding 18- to 20-year-olds because they are the ones who are going to not—they are going to most likely comply because they are law-abiding. The question is: The ones who have that proclivity to go and do these things, will this Bill deter that harm? You have given us no evidence that it will.

So therefore, what you see in other jurisdictions, the driving of this market elsewhere, is—what is going to happen in this, what is happening is that you all are going to create by this Bill—because when you are dealing with public policy, it is about addressing complexity, complex systems, and this is a complex system with emergent effects, non-linear effects, and unknown unknowns. Unintended consequences will abound with this piece of legislation, and this regulation would not merely create people who want to break the law more, who are going to try to break the law more, because it is going to create highly profitable business, serving the demand the law has failed to remove.

So, what I will say in closing, because you want me—I have to end. I will

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say this—

Sen. Baig: Thank God.

Sen. Dr. M. Rose: Praise God. Yeah, you know, creating offences, creating more law has never worked to solve problems in society. You are talking about a culture change. We got a lot of recommendations from the Independent Bench as to how we might treat with a situation like this, and the State must not answer—because I want to join with Sen. Brown who said that this legislation, this Bill, seems ill-conceived, rushed and irrational. The State must not answer its own lack of preparation by merely encroaching on citizens' rights and increasing the severity of punishment. You cannot do that, and I will never confuse the power—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose:—to punish people that you have with the wisdom to protect them. I will never confuse it. So, we, on this side, vote no for this Bill.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Dr. Desirée Murray.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Desirée Murray: Mr. President, thank you for recognizing me. I rise to contribute to the Miscellaneous Provisions (Alcohol, Cannabis, Dangerous Drugs, Gambling and Tobacco) Bill, 2026. This legislation touches five areas by amending seven Acts which regulate behaviour that can affect, not only the individual, but families, communities, public health, road safety, household finances, and ultimately, the social fabric of our country.

The amendments are intended to protect young people from the harms associated with substance use and gambling by extending meaningful statutory

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protection, and I support that legitimate aim. Clauses 3, 4, 5, 7, 8 and 9 of the proposed legislation would raise the minimum legal age for the sale, purchase, possession or consumption of alcohol and tobacco from 18 to 21, while the proposed minimum age for cannabis and gambling would rise from 18 to 25. Mr. President, this Bill is about what kind of society we want to build, how we protect young people, how we regulate adult behaviour and how we balance personal responsibility with the responsibility of the State.

Now, the Minister of Health spoke at length about alcohol, tobacco and non-communicable diseases. So, with respect to NCDs, alcohol, tobacco and cannabis are really not the only harmful substances out there. Diabetes, which is commonly known as sugar, is a much greater threat. In an open-access article titled: “Intense Sweetness Surpasses Cocaine Reward”—

Sen. Allahar: 46(1), Mr. President, this is not about diabetes.

Mr. President: I am allowing the hon. Senator to put that into context for her contribution. Go ahead.

Sen. Dr. D. Murray: Thank you, Mr. President, for your protection. I was responding to the Minister of Health who raised the issue of non-communicable diseases caused by alcohol and tobacco. So, I was about to say that I actually applaud the Government for banning sugar-sweetened beverages from government and government-assisted schools, and broadening restrictions to cover pre-packaged snacks and cooked meals in January 2026.

Sen. Baig: That was under the Partnership, thank you.

Sen. Dr. D. Murray: Well, actually, it was 2017, and then this current Government, in January 2026, broadened restrictions, and marketing and

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advertising of junk food on school grounds is now prohibited. So, my question really is: Why not apply similar penalties to persons who sell sugar to young people, as that is a major cause of non-communicable diseases?

Anyway, the legitimate aim of this legislation actually has my full support. But even as I support some parts of the Bill, I oppose others. And because this is an omnibus Bill, I cannot choose to vote yes or no to some parts of the Bill. I have to either accept all or reject all. It is an all or none situation. So that is quite a dilemma for me.

Mr. President, if an 18-, 19- or 20-year-old can no longer purchase alcohol legally, that person may still attempt to obtain alcohol through older friends, relatives or unlicensed suppliers. The principal problem is not the use of alcohol, tobacco and cannabis, rather it is the harmful patterns of consumption. When I see how our professional steel pan players are sometimes treated by law enforcement officers, it does worry me that the vulnerable youth, who are likely to interact with the criminal justice system as a result of these amendments, may be similarly treated. Law, culture, enforcement, education and social attitudes operate together; they do not operate in a vacuum.

Now, in addition, education must accompany legislation. And we have heard a lot about this, so I will not dwell on that, only to say that we need sustained national campaigns in schools, universities, communities, workplaces and through social media to explain to young people the harmful effects of alcohol, tobacco, gambling, cannabis and alcohol.

Now, other speakers have referred to the age of consent of sexual intercourse as being 18, but my question is: Can a person under the influence of alcohol or

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cannabis truly consent to sexual intercourse? So, I think that this should be taken into account when we consider raising the age of substance use from 18 to 21. The recent rape allegations against Cornell University fraternity members in the US is a case in point, although the drug used in that case was ketamine. So, public education is essential to promote safe practices, and I can understand the difference between 18 and 21 for alcohol consumption in situations where young women are vulnerable.

We need young people to understand what alcohol and cannabis do to the developing brain and the dangers of mixing substances, and the consequences of that. We need them to understand also what decriminalization means and what constitutes legality versus illegality. So, the law needs to be clear. But most of all, we need young people to know where they can go to seek confidential help if they have a problem.

10.05 p.m.

Mr. President, I will not say much about drinking under the influence because that has been covered extensively, only to say that I actually support stronger laws and penalties for driving under the influence as a deterrent. The principle must be simple, “If you drink, do not drive”, and “If you intend to drink, plan your transportation before you drink.” So I will not say much more on that. Mr. President, I want to talk more about the wider question of cannabis and dangerous drugs. If we genuinely want to reduce substance abuse among young people, we must ask a difficult question: Why do young people use recreational drugs in the first place? There is no single answer.

Some experiment because of curiosity, some because of peer pressure, some

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because they want to belong, some because they believe everybody else is doing it, some to escape emotional pain, and some because of past trauma. But, Mr. President, one issue that deserves considerably more attention is the intersection between bullying and substance abuse. A young person who is repeatedly humiliated, isolated, or threatened may experience anxiety, depression, loss of confidence and social withdrawal, so substance use can then become for them an attempt to cope with pain. Bullying has all of the following parts: it is on purpose; it is repetitive; it is one-sided; ongoing; and meant to cause harm. Bullying is not a single act, but rather a pattern of behaviour that can take many forms. Physical bullying is more common among boys and men—

Sen. Alexander: Mr. President, 46(1).

Mr. President: I think you are connecting that concept to—is it alcohol consumption?

Sen. Dr. D. Murray: Yes, Mr. President. I am trying to make the point as to why people use alcohol and other substances. There is a lot of research to show the connection between a person being bullied and not having coping mechanisms, and turning to drugs and alcohol. So I was just explaining what bullying is.

So bullying does not just happen in the playground; actually it happens at work as well, and sometimes in this Parliament. Anyway, the scientific literature supports an association between bullying and substance use, and this is an important lesson for policymakers, because if we want to prevent substance abuse, we must also prevent and address bullying. That means stronger school counselling, trained guidance officers, and a mechanism for reporting bullying safely, including cyberbullying, and teaching children conflict resolution and

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emotional regulation, and healthy coping skills.

Mr. President, we spend a lot of time telling young people what not to do. “Do not smoke, do not drink, do not use drugs, do not gamble”, but, really, what we must do is teach them what to do. What to do when you are angry, what to do when you feel rejected, what to do when you are bullied, what to do when you feel anxious. Right? If we do not teach healthy answers to those questions, someone else will provide an unhealthy answer, and that unhealthy answer may be a bottle of alcohol, a cigarette, a cannabis joint or a dangerous drug, or a gambling app. So we should not wait until a young person has become addicted before we intervene; early intervention is better than late intervention.

Mr. President, I wish to consider one of the more important practical questions raised by this legislation. Under the existing law, persons aged 18, 19 or 20 may legally purchase alcohol and tobacco, or be in possession of 30 grammes of cannabis, five grammes of resin, and to cultivate up to four cannabis plants without prosecution. Now, cannabis is used for medical reasons, such as epileptic seizures, chronic pain, nausea and vomiting from chemotherapy, or lack of appetite caused by cancer treatment, multiple sclerosis, insomnia, and post-traumatic stress disorder. The Cannabis Control Act of 2022 has not yet been proclaimed, and there is no board appointed to the Trinidad and Tobago Cannabis Licensing Authority.

To date, there is no fully operational regulated medical cannabis prescription programme in Trinidad and Tobago, and this means that patients currently treat medical needs under the standard decriminalized personal possession framework. Now, if the law changes the minimal legal age to 25, then a person who uses

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cannabis for medical reasons will suddenly lose a legal entitlement that existed previously, but their medical requirements would not have changed. So this is where the question of grandfathering becomes important. A grandfather clause is a transitional provision which allows an existing situation, or existing category of persons, to continue, under the previous rule, while the new rule applies prospectively.

Mr. President, there is another issue that relates to Part V of the Cannabis Control Act which deals with the medicinal cannabis industry, including specialized medical distribution. For standard undergraduate entry, the average age of graduating from the University of the West Indies, School of Medicine, is 23 years old; from the School of Nursing, it is 21 to 23, and from the School of Pharmacy, 22 to 24 years old. So students generally enter these programmes straight out of secondary school at the age of 17 or 18.

Now, under the proposed legislation, clause 3 would amend the Dangerous Drugs Act, making it a felony for a 23 or a 24-year-old medical doctor, registered nurse or pharmacist to be in possession of cannabis, because the amendments brought from the House of Representatives, the lawful employment exemption clause specifically withheld a youth employment exemption for cannabis. The exemption is explicitly tailored for individuals aged 18 to 20 to handle, sell, supply or possess alcohol and tobacco as part of their job. No such workplace exemption was carved out for cannabis. Now, section 3(4) of the Cannabis Control Act of 2022 states that:

“The provisions of the Dangerous Drugs Act, the Proceeds of Crime Act, the Medical Board Act and the Pharmacy Board Act shall not prohibit, or

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otherwise restrict or render unlawful, the cultivation, processing, extraction, distribution, import, export, possession or...handling of cannabis, in accordance with the provisions of this Act.”

“Handling” under the Cannabis Control Act means, or includes:

“the use, cultivation, processing, importation, exportation, transport, transit, transshipment, manufacture, sale, distribution and possession of cannabis; and

the conducting of scientific research, testing and analytical services for the purpose of improving or developing cannabis,

but does not include the use of medicinal cannabis by a person pursuant to a prescription or recommendation from a medical practitioner;”

Now, as I mentioned previously, the Cannabis Control Act is awaiting proclamation. This means that if the Bill before us becomes law before the Cannabis Control Act is proclaimed, then healthcare professionals, under the age of 25, would be prohibited from handling cannabis. So to avoid violating the 25-year statutory prohibition and exposing themselves to legal and professional liability, junior doctors will find themselves in the unenviable position of not being able to assist an elderly patient who may have a medical condition such as Alzheimer’s disease or Parkinson’s disease, or chronic pain, and who may wish to access cannabis with the decriminalized personal possession limits that are allowed. Ironically—

Sen. Jeremie SC: Thank you, Senator. The policy of the Government with respect to the age limits and employees is, as demonstrated in the other place, to ensure that once you are of age, according to the age of majority, you would be

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able to work in the field. That is the way the legislation is framed. I understand that the Cannabis Control Act does contain that provision, but, obviously, before it is proclaimed, we would have to do some work on it.

Sen. Dr. D. Murray: Thank you, hon. Attorney General. So are you saying that, if the current legislation is proclaimed, that doctors would be able to handle cannabis as part of their lawful employment?

Sen. Jeremie SC: No. I am saying that the law will not be proclaimed in a way which is inconsistent with the policy of this Act. So the policy of this Act is to allow—in essence, yes. The conclusion is the same, an 18-year-old doctor will be able to administer cannabis.

Sen. Dr. D. Murray: Okay. Thank you for that clarification. That was not clear to me, so it is clear now. So I will move on.

I want to speak a bit about withdrawal. Mr. President, if we are serious about changing behaviour, we must also understand what happens when someone who has already become dependent suddenly stops using a substance. Cannabis withdrawal, for example, is a recognized clinical phenomenon. A systematic review found that withdrawal symptoms are common among regular or dependent alcohol and cannabis users. Symptoms can include irritability, anxiety, anger, disturbed sleep, depressed mood, reduced appetite and delirium. So, this has important policy implications regarding persons, aged 18 to 24, who currently consume alcohol, smoke tobacco and marijuana, and gamble.

What will become of them when the law is enacted and they suddenly find themselves on the opposite side of the law? We cannot expect a person to just stop without giving them advice and providing support. They will require counselling,

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medical assessment, treatment of coexisting mental health conditions, structured rehabilitation, and some may require even more intensive intervention. Therefore, this amended law should be accompanied by a treatment and support infrastructure built into the law.

Mr. President, I now turn to the matter of drug-induced psychosis, most notably from cannabis. According to an online publication in *Science Insights*, dated March 19, 2026:

Marijuana is a natural organic plant that has grown in the wild for thousands of years. The plant's active compounds include THC and CBD inside the tiny glands that cover the flowers and the leaves.

However, over the last 20 or 30 years, there has been the development of synthetic marijuana, which consists of entirely different substances made in laboratories by researchers. Synthetic cannabinoids share almost nothing structurally with plant-derived THC. Unfortunately, published formulae from research in the 1990s and the 2000s were copied by illegal laboratories, which sprayed the chemicals onto dried plants. The dried plants are chosen to give the appearance of the natural product, but the actual coating of the plant is a synthetic chemical.

10.20 p.m.

Now, this is important what I am about to say because natural THC only partially activates cannabinoid receptors in the brain, whereas synthetic cannabinoids activate the same receptors completely and have much greater potency. So synthetic cannabinoids carry risks that natural cannabis does not. Local consultant psychiatrists that I have spoken to have observed that in some people it is the synthetics that precipitate severe psychotic episodes involving

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symptoms of hallucinations, delusions, paranoia and disorganized thinking that can be very difficult to treat. But distinguishing synthetic products from natural cannabis by sight alone is very difficult, which is what makes the synthetics very dangerous and why the industry needs to be regulated by the establishment of a cannabis licensing authority, as was done in Jamaica in 2016 more than 10 years ago.

The risk of psychosis is greater with younger age of use, frequent use and high potency use. More worryingly, cannabis induced psychosis has a substantial subsequent risk of schizophrenia. This was published in the journal of Schizophrenia Bulletin 2016, where:

“A logistic regression model gave an...”—odds ratio—“...of 3.9...compared to nonusers.”

So, I totally understand the Government’s concerns regarding the risk to our youth, but I want to avoid exaggeration because not every cannabis user will develop psychosis. Psychosis is also not unique to cannabis use. Psychosis is a recognized complication of alcohol use disorder and alcohol withdrawal. As a purely hypothetical example, Mr. President, if a person claims that they are seeing demons and Luciferian monsters, they could actually be experiencing psychosis. What they need is antipsychotic medication and counselling, rather than asking for the comments to be withdrawn. So, when somebody experiences hallucinations, their behaviour may actually require urgent medical attention. Enough said on that.

So, Mr. President, one of the last things I want to say is about the consideration of the joint select committee, but I know that we will invoke Standing Order 46(1). So I just want to say that civil society engagement is an

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important feature of the legislative process. I also believe that we should look at a larger, broader national policy. Alcohol, tobacco, cannabis and dangerous drugs and gambling are different activities, but there are common underlying factors: access, advertising, peer influence, family environment, mental health, trauma, poverty, coping skills, addiction, enforcement and availability. So, I therefore propose a national prevention strategy with measurable targets.

Sen. Allahar: Mr. President, 53(1)(b).

Mr. President: Just repeat for me.

Sen. Allahar: 53(1)(b), Mr. President.

Mr. President: Thank you. So, yeah, Sen. Desirée, you said you were about to wrap up.

Sen. Dr. D. Murray: Yes, Mr. President.

Mr. President: Okay. Yeah.

Sen. Dr. D. Murray: So, the 2024 STEPS Survey was conducted and would provide an important baseline against which future policy can be measured. The question is: how do we reduce misuse, protect children, prevent addiction, protect families and keep impaired drivers off our roads?

Mr. President, I want to put several matters on the record for consideration. First, consultation with various stakeholders.

Sen. Allahar: Mr. President, 53(1)(b).

Sen. Dr. D. Murray: *[Laughter]* Second, a clear transitional provision dealing with persons who are already 18 to 24, a national education campaign, integration of bullying prevention and mental health support in our national schools, and a substance abuse strategy, stronger emphasis on impaired drinking and driving, and

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a national monitoring framework so that Parliament can determine whether these measures actually achieve their objectives.

Mr. President, laws can establish boundaries, but they cannot stop bullying, heal trauma or cure addiction. I support the intention of this Bill to rescue Trinidad and Tobago, so that our children reach adulthood with the knowledge, resilience and support necessary to make healthy and responsible choices. However, to achieve its legitimate aim, this Bill must be accompanied by education, prevention, enforcement, counselling, family support, data and accountability. Mr. President, thank you for allowing me to contribute.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Anthony Vieira SC.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira SC: Thank you, Mr. President. Let me begin by disclosing that wine and beer are both important parts of my Portuguese culture, heritage and daily life. While I am prepared to concede that alcohol in excess, like most things, can be harmful, I believe that in moderation there are benefits.

Listening to this debate, one might form the impression that every encounter with a glass of alcohol ends in tragedy. Of course, alcohol can cause harm. We have heard the hon. Minister Swaratsingh's very moving account. Those experiences are real and must not be minimized, but they are not the whole story. For thousands of years, alcoholic beverages have formed part of human social and cultural life. People share a glass of wine over dinner. They raise glasses in celebration.

When I played rugby, drinking and singing after matches were part of the

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game. There is research which confirms that in social settings modest alcohol consumption can facilitate conversation, positive affect and social bonding, all of which will be important for young adults. Now, this does not make alcohol a health food nor does it erase the risks of alcohol, but it reminds us that use is not the same thing as abuse. Public policy should be capable of distinguishing between the two. We cannot legislate only from the worst cases.

Turning now to the Bill, which raises a deceptively simple question. How should the State protect young people from products and activities that can cause them harm? Now, while I do not see this Bill producing much consensus or happiness, neither have I seen anyone disputing the goal of protecting young people from potential harm; the Government contends that alcohol, tobacco, vaping, and marijuana can all cause harm and pose risks for young people; and gambling can become addictive and destructive. On these grounds, they see the need for regulation, in particular for minimum age legislation.

My problem is not with the destination, but the route we are taking to get there. Because this Bill goes a lot further than just raising age limits. It is redrawing, for several purposes, the boundary between childhood and adulthood. More importantly, it does not just regulate those who sell these products or provide these services. It reaches directly to the young adult purchaser, user or possessor, and exposes that person to the criminal law, in several cases, to a maximum fine of \$50,000, well beyond the pale of most people's ability to pay. So, in effect, we may really be talking about possible incarceration and the lingering negative after-effects of having a criminal record, including the bringing of shame on the families of youthful offenders.

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Now, the hon. Minister of Defence has suggested that some of us have a proclivity to find a problem for every solution. A very claver line, but it misunderstands our constitutional function. We are not here to find problems for solutions. We are here to find problems in proposed solutions before they become problems in law. That is called scrutiny.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: A Bill does not become good legislation because the objective is laudable. Our responsibility is to test whether the means chosen are necessary, proportionate, workable and free from unintended consequences. So, I make no apology for asking difficult questions. That is not obstruction. That is us doing our job as Senators. If we find a problem with the Government's solution, the answer is not to complain about the scrutiny. Perhaps, it is to improve the solution.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: For the time being at least, this Senate is still a deliberative and revising Chamber; as such, we should be asking some basic questions because a poorly thought-out objective can end up causing more harm than good.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: I share the concerns raised about the need for actual data in support of what the hon. Attorney General says is an evidence-informed policy. After hours of debate—it is now what, 10.31—I am still trying to wrap my mind around the need to criminalize young adults—

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC:—whether any alternatives were considered and, most importantly, are we protecting young people or are we in danger of punishing the

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very people who we say we are looking to protect?

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: Now, coming late in the batting order, I am aware of the risks associated with tedious repetition, so I am going to limit my contribution to just a few points. I will not be commenting on the House amendments which seek to address employment issues. I will not be treating with the new identification regime, nor the enforcement aspects and the possibility of illicit markets when consumption migrates—as it will—underground. But suffice to say that these issues highlight the need for understanding behavioural displacement before we legislate.

My concerns are pretty basic. I just need to understand the circumstances and the reliable statistical evidence justifying why we are redrawing the line of adulthood, particularly where crossing that line carries criminal consequences. I need to understand why the proposed age for alcohol, tobacco and vaping is 21, but for cannabis and gambling, it jumps to 25. Now, perhaps these thresholds can be justified, but it seems to me that each activity requires its own justification. Alcohol is not tobacco. Tobacco is not cannabis. Cannabis is not gambling. Gambling is not vaping. Each has a different risk profile. Each has a different evidence base. Each has a different regulatory history. Each presents different public health considerations. Yet, we bring them all together in a single omnibus Bill and adopt two numbers, 21 and 25, across markedly different activities.

Now, I understand the argument about neurological development and the prefrontal lobe. I agree with Sen. Francis Lewis that the jury is still out on this. But even so, it does not automatically follow that because some aspects of brain

development continue into the 20s, a 24-year-old should commit a criminal offence by engaging in an activity which becomes lawful on his 25th birthday. Again, if the neurological impairment is so serious for the under-25, then young people should not be allowed to practise as lawyers and doctors. To my mind, there appears to be a contradiction here.

10.35 p.m.

Now, I very much appreciated the Minister of Health's intervention and the metric tables he referred to. I was going to speak a lot about the need for evidence, but I am not going to accept what the Minister of Health put forward. Assuming but not entirely conceding that there is scientific evidence in support of the proposed age limits, what I would like to underscore is that the science cannot make the legislative judgment for us. That is Parliament's responsibility. Just as in court, an expert can give scientific advice and support, but the final decision is for the court, not the expert. The point I am driving at is that scientific argument is just one perspective, but as legislators, we should not rely too heavily on a single perspective. Science cannot solely be determinative on matters of this nature. Science is not an absolute value, as though there are no other values at stake. As Senators, we have to consider the wider implications.

There is a lot of scientific evidence about sugar. Should we prohibit young people from consuming sugar? I do not mean to be flippant, but on something as important as this, I need to understand what problems exactly were identified. What research led to 25 years, rather than 21, 23 or some other age? And I am particularly interested in understanding how the evidence supporting an age

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restriction translates into the quite separate decision to impose criminal liability on a young person.

And there is a larger question here. At 18, a citizen of Trinidad and Tobago is, for most purposes, an adult. As others have pointed out, that person could vote, work, enter contracts, start a family, assume responsibilities with serious consequences. Yet, under this legislation, we say, for some purposes, you are an adult at 18, however, for alcohol, tobacco and vaping, you are still a minor until you reach 21, and for marijuana and gambling, you only reach adulthood after a quarter century. That strikes me as bizarre.

If there are some reasons for this graduated adulthood, I would really like to know what they are. Because under this law, we are withdrawing from adults aged 18 to 20, or 18 to 24, activities presently lawfully available to them. And in as much as this legislation will be making a serious incursion into their lives and their current freedoms, the Parliament should, at the very least, be able to demonstrate the necessity and the proportionality of this drastic intervention. This brings me to what I regard as a central tension in this legislation.

The argument for raising the age limits is fundamentally protective. We say that young people are vulnerable, they are more susceptible to addiction, their judgment is still developing, they require additional protection from substances or activities capable of causing them long-term harm. That is all well and good in theory, but here is the contradiction we need to consider.

We cannot say, on the one hand, that young people require special protection because they are still developing, still vulnerable, still susceptible to poor decision-making, and yet, on the other hand, when they make precisely the poor decision we

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say that they are vulnerable to making, we lash them with the heavy hand of the criminal law. Which is it? If vulnerability justifies intervention, should vulnerability not also inform the nature of that intervention? There is a fundamental difference between restricting access and criminalizing the person whose access we restrict. There is a difference between saying to a licensed seller, “You must not sell alcohol to this person,” and saying to a 20-year-old, “If you possess this, you have committed a criminal offence.” Those are difficult policy choices and each one requires justification.

The Minister of Health referenced the WHO status report. I am glad he did that because the WHO’s approach is instructive. It supports minimum age restrictions, but it also emphasizes licensing, compliance, and placing responsibility on the sellers and servers to prevent unlawful sales, and that leads to another series of questions that everyone has been asking: Where should the principal regulatory burden fall? Why \$50,000? Where did that figure come from? What assessment established that \$50,000 is proportionate? What comparator was used? What relationship exists between the gravity of the conduct and the maximum penalty? And what happens to the young person who or whose family just cannot pay the fine?

The law should mean justice, but where is the justice in this? Remember the conduct with which we are dealing: A 20-year-old with alcohol or with a vaping product, a 24-year-old caught by the gambling provisions, a young adult caught by the cannabis restrictions. These are not drug traffickers, they are not violent offenders, they are not part of organized crime, they are not a risk to society. The

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criminal law is the most coercive instrument available to the State. Sometimes it is necessary, but precisely because it is coercive, proportionality matters.

Now, this Bill does provide a fixed penalty mechanism and rehabilitative alternatives. Community work and counselling are conceptually much closer to the public health objective. But here is the rub: We are being asked to authorize a maximum criminal fine of \$50,000 while the operative fixed penalty is yet to be prescribed. Here again, we seem to be travelling very light on the details. The Attorney General says that we cannot be passive observers, the Government is adopting a broader and modern approach. Okay? As such, I want to move beyond the mechanics of the Bill for a moment and to briefly touch on its general merits and principles. In particular, I want to address the policy underlying those proposals, their likely consequences, and what our priorities should be.

It was suggested that consultation was not necessary, among other things, because there has been considerable discussion of all these matters in the national space, and the best form of consultation is what occurred in the campaign. I disagree. And before they go with tedious repetition, the fact is, everybody has talked about consultation. Have we asked young people what they need protection from? Have they been given an opportunity to meaningfully participate in the design of policies?

Sen. Allahar: 53(1)(b). Mr. President, 53(1)(b).

Mr. President: Sen. Vieira, I have to uphold that Standing Order, but just tighten.

Sen. A. Vieira SC: But were any young people recovering from addiction consulted? Consultation matters because the United Nations and other agencies have recently called for young people to be treated as partners in the design,

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implementation, monitoring and evaluation of youth mental policy, not simply as beneficiaries, and that principle, I think, is relevant here. If this legislation is genuinely for young adults, there would have been value in hearing from them, surely. Instead—and somebody had used the word “paternalistic”, I say “patronizing.” The fact that we are blithely creating legal risks and uncertainties for young adults without actually checking with them, I have a problem with that.

The Attorney General enjoined us to reflect on the realities of human development. The Minister of Health touched on promoting mental health. Well, I really wonder whether those of us who are older fully appreciate the pressures we have placed on this young generation. We have heard about the developmental stage of emerging adulthood, about the prevalence of risk factors, and how these products are linked to a range of physical conditions, including anxiety and depression.

We tell our young people, “Do well at school, get good grades, get into university, distinguish yourself there, get a good job and while doing all of this, be socially connected, financially successful, environmentally responsible, technologically competent and”—judging from social media—“permanently happy.” That is quite a job description. But beneath it are some very pertinent human questions.

Minister Swaratsingh spoke about some of the issues young people have to face. He said, today, they face a plethora of things. Will I find work? Will the work I train for still exist in 10 years? How do I compete in a world transformed by artificial intelligence? Will I ever be able to afford a home? Can I start a family? And perhaps beneath all of this, what sort of future am I inheriting? Now,

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these are not fanciful concerns. The WHO says that one in several young people globally experiences a mental health condition and calls for a comprehensive response extending across health, education, social welfare, employment and community life.

The hon. Attorney General says that Member States want balanced and proportionate responses. I agree. We cannot be blind to the fact that our young adults are today facing tremendous concerns and anxiety stemming from a mix of high-performance demands, digital saturation and economic uncertainty. The hon. Attorney General says that the international consensus is that sustainable solutions require comprehensive strategies. I agree. If we are serious about protecting young people, we must understand the whole young person who we are trying to protect.

Look, I am trying—I am looking for a peg upon which to hang the Government's rationale for this legislation because frankly, I am not convinced. International organizations are not telling governments simply to prohibit more things. What they are saying is something much more sophisticated. They are saying that youth well-being requires a multisectoral approach, health, education, employment, housing, family, community, digital environment, early intervention and meaningful youth participation.

If this legislation is about caring, well, I say it smacks of unkind caring because if we really want to relieve the pressures on young people and protect them, we should be prioritizing three foundational pillars: Reforming the education ecosystem, investing in early intervention health care, and securing economic pathways and stability for them. Our focus should be on how to make them

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resilient in the face of constant uncertainty, and this includes confronting the difficulty young adults experience in achieving economic independence and it means recognizing the influence of the digital environment on their lives. Now, these are not substitutes for regulating alcohol, tobacco, cannabis, vaping or gambling. But the flaw in this legislation is that it is offering simple solutions to complex problems.

We will be living in a fundamentally different world in the next five years. How will this legislation help young adults cope with what is to come? Protection is a greater responsibility and much more involved than just prohibition. And all of this leads to a deeper question: What kind of relationship do we want the State to have with our young citizens? Is our first instinct punitive or supportive? Do we educate before we prosecute? Do we divert before we convict? Do we help before we punish?

Sen. Allahar: 53(1)(b), Mr. President.

Mr. President: Sen. Vieira, as you said, it is kind of difficult when you come so late in the batting order; the repetition. So, just tie up again and let us move.

Sen. A. Vieira SC: The point is simple, I am saying that against a background in which young people already face significant economic, social and psychological pressures, it behoves us to think carefully before adding serious criminal exposure for relatively low-level personal conduct. A public health problem should not casually become a criminal record problem.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: As I draw towards my conclusion, there are always repercussions to our choices. But the function of the law is not to regulate our

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consciences, our talents, our ideas, our opinions or our pleasures. The function of the law is to protect the free exercise of these rights, and to prevent any person from interfering with the free exercise of these rights by another person.

Ultimately, this debate is about more than alcohol, tobacco, cannabis, vaping or gambling, it is about how the State relates to young people as they become adults.

10.50 p.m.

There is a temptation in public policy to think that whenever conduct carries risk, the answer is prohibition, and whenever prohibition is breached, the answer is punishment. But governing is much more difficult than that. I accept that the State should not stand aside where products or industries create genuine public health harms, but neither can the State remove every unwise choice from adult life. The difficult work lies in between these two extremes. It lies in evidence, in proportionality, in sensible regulation, in listening, and in distinguishing between those who need protection from those whose conduct warrants punishment.

The objective of protecting young people is legitimate. Minimum age regulation is internationally recognized, but the measure of legislation designed to protect young people cannot simply be how many things we prohibit them from doing. Surely, the better measure is whether, after our intervention, they are healthier, safer, more resilient, and better equipped to build worthwhile lives. If vulnerability is our justification for intervening, then vulnerability should inform the way we intervene. If we want our young adults to make better choices, our first tools should be information, opportunity, support, and proportionate regulation.

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Least but not last, if we are moving the goalposts of adulthood, then Parliament should be able to explain clearly why we are placing the new goalposts this way. Raising each age limit alone is a challenge, but what we are doing here together, that is a seismic shift and in the absence of a multi-sectoral approach, I think, this ends up just being a set of harsh rules based on either incomplete information, or someone's personal beliefs, or both, and I cannot reconcile myself with that. Left to me, we should be focusing on building a good future for our young adults, not over-regulating the present. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. David Nakhid.

Hon. Senators: [*Desk thumping*]

The Parliamentary Secretary in the Ministry of Sport and Youth Affairs (Sen. David Nakhid): In the name of God, the most gracious, the most merciful. Mr. President, I realize that this debate has morphed with the philosophical underpinnings of: Do we see young adults, young children, adults as passive dependents based on a paternalistic approach? Or do we see them as autonomous beings, capable of making their own decisions? Now, that philosophical difference must be placed within the context of where we are as a country and what we have seen, especially in the last ten years.

Now, I am so happy to see that all the PNM Senators have walked out—most of them. Because, you know, the hypocrisy witnessed today, I am not satisfied with calling that entire side here hypocrites anymore. What I witnessed today was what we call “perennial hypocrisy”.

Hon. Senators: [*Desk thumping*]

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Sen. D. Nakhid: This was something that did not serve any purpose. And I do not want to say that because every argument should be based on rationale, on reason. What we saw was abundant fear-mongering, PNM-style, ranting and raving by Sen. Rose, and I think that is why she left, because she knew I was going to talk about that, the Senator. Because you can talk about passion, and she alluded to my lifelong friend, Sen. Swaratsingh, who we grew up together in the Catholic Church. I will be quite honest; I knew him intimately and his family. I commend him for opening his heart, not to tell us about what happened, but to make the point that there are vulnerable people mentally in this society, and one life lost to that is one life too much. And if I were to err on the side of saving a life, I would err that way.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: I would err that way. But the lack of empathy shown by people like Sen. Rose to come and claim to be passionate, but without reason, that is nothing but ranting. Passion must be based at least on reason, then it becomes advocacy. And that is what Sen. Kennedy Swaratsingh did here today, because he was advocating for us to give young people a chance. Give them a chance to develop their faculties to the point that we can hold them to account after. But we have a PNM Government who are accustomed to only meeting our young people in the penal system, that is all they are concerned about. And they talk about us. What we have tried to do with this legislation—and no legislation is perfect, none.

And I will give you an example. Sen. Rose got up and spoke about the Minister of Defence and doli incapax, and then went on to say exactly what he said. With all the provisions that he provided for, that the rebuttal is there as far as

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the reason is concerned, they tend to forget, and they are lawyers, that there is judicial discretion as well. So, any judge going out of himself and giving a 10-year-old a \$50,000 fine, “so we doh have ah Court of Appeal. We doh have lawyers—I know over there who will work pro bono for a core celeb.” I know some of them will run to do that, and they know that. The thing is, they know that you know. They are very aware that we have safeguards, and there are safeguards in the system, but they did not want to say, they did not mention it at all. Why? It is just about inducing that fear. You know, the Government here, we want to run people life, no. But we have a responsibility to the people that elected us to govern in a philosophical way that we see fit. We are not the PNM, and they certainly are not us. That is why they are there, and we are here.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: That is why we have the mandate to govern according to our philosophical underpinnings, our bearings, our mores. And our Prime Minister, I know somebody said nonchalantly, our Prime Minister sees herself as—or we call her the “mother of the nation, so, I doh understand”. We are all people with our individual set of morals, and although there should be one moral set of values, I would imagine.

I heard Sen. de la Bastide get up and talk about, “Well, we are a culture of drinkers.” A paraphrase. You know, this is our culture. Drinking is part of our culture. Who said that? “In who house drinking is part of our culture? In who house is dat? In de la Bastide house.” I never saw my parents drink, at all, at all. Even when I was Catholic. I never drank when I was Catholic, nor when I am Muslim. So, what is it all of a sudden?

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I remember when education, academic excellence, sporting excellence was part of our culture. I remember since then, all of a sudden now, drinking is part of our culture, and that is why we have gone down that very slippery road of mediocrity that they tend to accept. Well, we as a Government are saying, “We do not accept dat.”

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: We do not accept that. We will not accept that. We want to change that and give people, young people, a chance, a legitimate chance, to contribute to society. That is all we are saying.

As a matter of fact, I heard Sen. Amery Browne talk about, “We coming here to try and convince you all and win your support.” To be honest, nobody here is trying to win their support. Certainly not I, certainly not the Prime Minister. What we are doing is presenting our case to the people of Trinidad and Tobago. We want the young people of Trinidad and Tobago to have a chance that their children have.

And you know, when we pointed out to them, would you accept this for your own child? And that is the litmus test right there. That is the litmus test right there. Would you accept this for your own child, that he picks up a bottle of—well the example given by the Minister of Defence was about puncheon, and it does not matter. No one here admitted, I do not know why, that alcohol, marijuana, are basically gateway drugs. People go from those and graduate into worse drugs. I would say they degrade into worse drugs. They are gateway drugs, and doctors here who spoke did not mention that and that is the fear. And all studies show that it is the first drink, the first hit, that really is what that person who becomes

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addicted is going after all the time. And it affects different.

I know people from a university in America, they would sniff cocaine, because that was back in the 80s, I am telling you my age. They would sniff cocaine and have no effect. “I know people who, dat first sniff of cocaine, or dat first joint, or marijuana, spliff, wuh yuh call it? I doh know.” That was it for them. They could not do without it. It affects everybody differently. So, when we put that age category that is so obsessed with 18 to 25 for cannabis, 18 to 25 for alcohol, it gives us a chance at least to reach people, and that is what legislation is about.

Who does legislation target? The people who are going to be law-abiding? No. It caters—it counters for those people that we want to reach. We want to protect. The people that we want to make sure they have a chance that somebody else did not have. You know what I mean? We hear all the anecdotes. We hear all the anecdotes about who went into alcoholism, who went into drugs, who died from it, and so on. Everybody has an anecdote. I have quite a few, but I, as the AG would say, “You have to read de room.” It is 11.01, and we have to read the room.

So, I will be brief, but I just want to point out that we have lost too much time. All this talk about consultants. “Well, if allyuh want to consult on every issue, while young people dying, while young people not getting de chance that dey need to get in a productive society, well, do something and win de election.” But we are here with a mandate, and we are saying we have lost too much time.

We came into government, Mr. President, it was one minute to midnight. It was literally, socially, one minute to midnight. This country was on the brink. Our

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youth in a downward spiral, and we had that to encounter. And the Prime Minister said, “You know what? Drastic action is needed”. And she took that action. Every time we come here, it is the same. We bring stats. I heard stats from Sen. Kennedy Swaratsingh. I heard stats from the AG. I heard stats from the Minister of Defence. We bring the stats. Sen. Vieira got up and said, “Well, stats are one thing, scientific evidence is one thing, and we have to have different perspectives”. “We doh bring de stats. Where de data? How yuh want us tuh bring data when yuh don’t give us ah chance to implement policy? What madness is dat? What hypocrisy is dat? Cause y’all know better. I am sure y’all on de—not dat side there, behind dem. I am sure y’all know better.”

I am not so sure, because I liked Sen. Murray’s contribution. It might not have been 100 per cent. It does not have to be. It does not have to be but let it make sense. Let it make sense. You are asking us as a Government to govern. We are trying to implement policy, but every time you all come up with something contradictory. “And dais why people are saying, y’all sound exactly like those in front. We expect dat from those in front. Dey only interested in one thing, blatant political power. Dais all dey interested in. Dey doh know how to act unless dey are in power. Dais why dey in ah mess.”

We are interested in governing. We really, with this legislation, want to give people a chance.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: A legitimate chance at developing their faculties to the point where they can really make an informed decision. “Yes, I want tuh take ah drink and enjoy my Portuguese culture, or I doh want to take ah drink and enjoy my

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Arabic culture. I doh know.”

11.05 p.m.

“I doh know.” We have so many cultures in this country. We have to govern for all. We cannot govern for one group of people, or we cannot cater. You know, I saw the Opposition Leader speaking, and she spoke about this legislation and how it will affect—and listening to the order. It will affect businesses and human lives. It was quite interesting to me the order it was put.

What do I care if I—God forbid, I had a son addicted to alcohol or marijuana? Already, we are in a generation, and listen to this, we are in a generation where this particular group of people live in a sedentary fashion. Very sedentary. They are not like before, out playing rugby, football, every day. Now the parents have to beg them to go outside the house to play. “Dey home, dey sedentary. What de PNM give them? Three plants. Four plants? Is four plants?” Give them four plants. Smoke weed. Take that.

And somebody sitting across there, comes with his—someone in his family comes and immediately sets up a business for cannabis, and because of the backlash, they had to pull back. They are about business. That is why their Opposition Leader said this legislation will affect businesses and human lives. We on this side are saying we are concerned about human lives. Primarily.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Human lives. How can we get Trinidad and Tobago in order? To meet the coming generations, the future that is ahead of us, that is coming, is right around the corner. We want people to meet that, to meet that moment. They are not interested in that. When I say they, I mean the PNM. They are not

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interested in meeting—having our country meet the moment. They are happy if our youth stay in a corner, you know, “dey smoke some weed, dey drink some beers”, and coming to talk about, you know, we are obstructing. And I will tell you, I am sure.

Because someone got up—who was it? Sen. Roberts-Radgman? Sen. Roberts-Radgman got up in her wisdom and spoke about how she made her own survey by WhatsApp. By WhatsApp. She made her own survey by WhatsApp. People call her by WhatsApp. “She ain’t” tell us how many people were involved in that survey. She didn’t tell us how many people called her, what questions she asked, where is the age group. And came in the Senate, you know. Came in the Senate and talked about that, you know. “It could ah be three people call her, I doh know.”

Well, what is next for de PNM? Bobbing for fortune cookies? Just pick up a fortune cookie and see what it opens and tell us that is what the policy is? That can’t be possible. That is a Senator came here and talked about that, you know. Three or four people called her, while we continue to bring data for them. They asked about data.

The evidence of youth vulnerability, and that is the whole point here. Do we leave them vulnerable, or do we address it in a manner that benefits us later down the road? We are planting trees here that people will sit in the shade, maybe not us. That is what we are doing here with this legislation, and I commend the AG for that. This is a tree being planted that future generations will sit in that shade.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: The evidence of youth vulnerability did not suddenly appear

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when the UNC assumed office.

The PAHO and Trinidad and Tobago adolescent and youth health Country Profile uses the 2017 Global School-Based Student Health Survey. This is a student health survey based on students in school, reported that 31.8 per cent of students surveyed were current users of a tobacco product, and 29.8 per cent had consumed alcohol on at least one of the preceding 30 days in the survey, and 23.1 per cent reported having been drunk at least once in their lives. These are historical figures and should not be presented as a prevalence in 2026. But that is precisely why they matter politically.

The warning was there years ago. The PNM did not heed it. For them, indecision and bad decisions are all the same. “As long as they are making ah money.” This Government is saying no. We have to start moving in a way that is civic—in a civic manner, we build a society that we can depend on. “PNM nuh interested in that. As long as there is somebody making \$200 million in rent, \$500 million in family contracts, dey good.” We are not about that. That is why they could come every time and try to obstruct the legislation. Not by reason. I see no reason to be very honest. Today especially, I see no reason from anyone on that side, what they have given us, why they would object to legislation that serves and benefits the users of this country. Let me tell you why, especially from the PNM side.

I will read something from the *Hansard* of Friday, December 13, 2002. Who was in government?

Sen. Baig: PNM.

Sen. D. Nakhid: Right. Thank you, Sen. Baig. And this is a quote:

“I will examine clauses 2 and 8 of the Bill together because they both seek to address the issue of teenage substance abuse. Clause 2 seeks to amend the Children Act while clause 8 would amend the Liquor Licences Act. We need to protect our youths...”—

Listen to it—

“We need to protect our youths as much as possible from the effects of alcohol and tobacco abuse. Supply of alcohol and tobacco are too easily accessible to our young people, many of whom look much older than their actual years. The sale of tobacco products and intoxicating liquor to individuals who are under the age of 18 years would now be prohibited. All vendors of these products would be required to display at all times in a prominent place, a sign which informs the vending public that such sales are stopped.”

Who gave us those remarkable words about protecting the young and the youth and all that? Anybody can hazard a guess? Ken Valley.

Sen. Baig: What!

Sen. D. Nakhid: Ken Valley. How ironic. How ironic. That is the PNM all over. John Rahael said the same. Made the same statement almost verbatim, and that is PNM elders talking about that. “Now dey coming”—the question I continue to ask is not about the PNM. I know what they are about. I know what their *modus operandi*—you know, I mean, hapless, useless, you know, except to their friends and family and financiers.

But the Independents. “I can’t for the life of me all the time. I doh understand, you know, yuh damned if you do and damn the population if yuh

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don't. Because is never anything.” And, you know, some of them, they delve into philosophy—it is either you approach something based on reason. Reason cannot be where you are just looking to place doubt in the minds of the people. You can't come and say—we, you know, we came here today with statistics, metrics, parameters, safeguards to confront a problem that is existential to us.” And I say us, all of us.

And you all came and just told me and told us, well, where is the data? But we gave you the data. So, is this data you do not like from the UNC? I really would like, at some point in time, an answer. You all do not like our data because it comes from us? So then what is it? I do not understand. I am looking for a reason because I am trying to keep it in a philosophical framework where there is reason, fear, or doubt.

Sen. Vieira SC: *[Inaudible]*

Sen. D. Nakhid: Yes, of course.

Sen. Vieira SC: My concern is that the cure may be worse than the disease.

Sen. D. Nakhid: Fair enough. The disease is widespread already. The disease is widespread already. And sometimes when it has metastasized, what do you do? You have to cut it out. You have to cut it out. What we are facing here, Sen. Vieira—and I do believe, I will die trying to be optimistic and hopeful.

Sen. Roberts: May God bless you.

Sen. D. Nakhid: Yes, I will die trying to be that, hoping that I could somehow convince any of you all—

Sen. Roberts: Not me.

Sen. D. Nakhid:—to see that anything that you posit to this Senate must be either

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based on reason, and if it is not, then it is going to be based on just spreading doubt or fear. And that makes no sense to me.

In other words, if you want to save lives, you have to first change lives. How do we change lives? If you look at it in a cultural way, that takes time. Culture takes time and as you said before, that changes at any point in time. But if we change lives by legislation, because I remember when we first came in with all the traffic fines, I thought the sky was falling. I was ducking to see what was going on. The fines are too punitive. Anybody hear anything about that—*[Inaudible]*—eh? A reduction in anything? Look the Minister of Transport and Civil Aviation is right here. Everything—*[Inaudible]*. Why? Because we were facing a situation where it was really a lawless dump on the road. In some instances, it still is.

So, when you are faced with such a situation, what is required? What do the philosophers say? Since we are on that. They talk about leadership. They talk about vision. And to implement leadership and vision, especially from a position where it would be easy for people to brand you as a dictator, as merciless, as ruthless, is not easy. It is not easy. It requires a certain moral, a certain strength of character. That is not easy. A tenacity. And our Prime Minister has shown that. She has shown she is willing to bring that and be criticised because, why?

Hon. Senators: *[Desk thumping]*

Sen. D. Nakhid: It is for the benefit of our young people. If I give you our statistics. Now, you tell me you do not believe it.

We can look at the schools. Our schools were telling us something. And they are compelling. The parliamentary record states that secondary school

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suspensions increased from 5,165 in the '22/'23 academic year to 9,600 in '24/'25, an increase of 87 per cent with 21,661 suspensions recorded over that three-year period. They describe conditions that developed under the previous administration and that we inherited. The correct political argument is therefore not that the PNM personally caused every fight, although Dr. Nyan Gadsby-Dolly claimed them, every suspension or every act of indiscipline.

No, we cannot really blame all of that on the PNM, every single incident. The stronger argument is that the warning signs accumulated under their watch, and they did nothing. Are you all asking us, our Prime Minister, to also do the same? We have had 10 years of nothingness; 10 years of a lack of decision; 10 years of waiting to see what will happen. “Who dead dead? Let them run like African hyenas in the jungle. I am not in yuh bed.” Is that the philosophy that we want to come in the Senate and pronounce, or do we want to reach for something loftier, something higher, where we can ask our children, as hard as it may be, given our cultural circumstances that you all allude to, if you want to accept that drinking is part of the culture, then we might as well accept domestic abuse too. Because that has increased exponentially.

I know you all saw that video. Joel. Joel. How discomfoting. How harrowing. Imagine that is your sister, your mother, in that car, and he admitted to being under the influence. How? I do not know. I do not understand how you all could see our present circumstance and still speak devoid of context. It makes no sense to me. It shows me then that you all have stepped in—I am speaking now to the Independents. You all have stepped into the gayelle, really. You have. How could you all see these harrowing things? Domestic abuse has increased. And

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mostly, I have these stats here. It increases four times, domestic abuse, when one or the other partner is under the influence of alcohol. Four times.

11.20 p.m.

Where is our concern for the women who are mostly the victims of that? We are saying with this legislation, give our young people, boys and girls, give them a chance to become men and women, so that when they reach to that stage, they can make those choices that we will be proud of. And it is a difficult argument for me to make as a non-drinker. I am not a secular person to have an occasional glass of wine. It is not in my culture. It never was in my home. I have never seen it. So, I know it is difficult for me to say—I cannot come and preach to somebody, “Do not drink,” when I do not. But I have to be dispassionate enough to say, one life—one woman, being abused in her car, clearly scared for her life, by a man admitting that he wants to do serious damage to her and to the car and whatever. These are things that should cause concern and cause pause, and make us say, you know what? We cannot wait anymore. It was one minute to midnight, this Government pulled it back. But we are still close to midnight.

We are asking—I am not concerned about those who want political advancement. I am concerned about those who truly want to do something for the youth of this country. Make the right decision, not because—and forget all—I see Sen. de la Bastide likes to bring up the demon talk and—you know what I mean? Do not come in the gayelle if you are a snowflake. Do not come in the gayelle if you are a snowflake. That is how it is. Trinidad is talk and talk and talk. Some of you all handle it well. I mean, “I does be hitting Sen. Vieira”, but enough respect when he says something good, same with Sen. Murray.

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Sen. Roberts: [*Inaudible*]

Sen. D. Nakhid: Exactly. And when you throw words about people being under the influence and hallucinating, you are stepping into the political gayelle.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: You are stepping into the political gayelle. I was especially unnerved—not unnerved. That really did not unnerve me. That is a soucouyant word, right, coach? Yeah, he know me. No, I was upset. I was upset by Sen. Rose’s contribution.

Sen. Roberts: Well, you were perturbed.

Sen. D. Nakhid: I like that. I was perturbed. Because, you know, I thought at the end of all that, that she proffered, all that information, I thought it would have been something that I could have grasped to even counter with a debate, because that is what we are here for. But basically, it was nothing. It was just a performance. Just a performance.

Sen. Roberts: She is the next MP for St. Ann’s.

Hon. Senators: [*Laughter*]

Sen. D. Nakhid: I make no comment on that. All I will say is that we have had enough of the theatrics. People are dying. The country has reached a social stage right now, but there is no more time, Mr. President, to waste. This talk about consultation—I think the perfect answer was from Dr. Bodoë, when he said, “All this talk about consultation, that was done before elections.” And we won that.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: Give us a chance to govern with the philosophy of our Prime Minister, the philosophy of this side. Give us a chance to show that the policy we

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have works, and that what they proffered for 10 years, clearly did not. We are not only asking for that chance, Mr. President, as a matter of fact, we demand that chance. And I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Vishnu Dhanpaul.

Sen. Vishnu Dhanpaul: Thank you, Mr. President.

Sen. Dr. Swaratsingh: “Nobody there, nobody there”.

Hon. Senators: [*Interruption*]

Sen. V. Dhanpaul: And as usual—

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: I do not want any protection, Mr. President. I like that. Mr. President, as usual, it is good to see you. And I would like to take some time to congratulate Madam Vice-President on the good work that she did during your absence.

Mr. President, we have been here for 12 hours and 55 minutes, and my colleagues have, more or less, covered everything, all the points I had. But there were—

Hon. Senators: [*Interruption*]

Sen. Roberts: “No wonder de country buss”.

Sen. V. Dhanpaul: But there were—

Mr. President: Sen. Dhanpaul, just have your seat.

Hon. Senators: [*Continuous interruption*]

Mr. President: I would like to hear your contribution. And I would like my colleagues to pay attention and be silent. Continue, please.

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Sen. V. Dhanpaul: Thank you, Mr. President—

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul:—and sorry about the calculation. I thought we started at 10.30 a.m. Actually, it is true, I was here at 10.30 a.m.

So, Mr. President, let me begin where every Member of this Senate agrees. No one in this honourable House wants to see a child drinking in their school uniform. No one wants a teenager hooked on betting apps or a young man recruited as a drug courier. I intended to speak on eight points, but my colleagues covered most of everything. I intended to speak about the Bill criminalizing adults; criminalizing children; its fines are unrealistic and its fixed penalty system is a blank check; its penalties are disproportionate, incoherent and constitutionally vulnerable; its approach to cannabis and gambling will feed the black market; it lands on businesses and workers already reeling from last year's double excise duties; it cannot be enforced without our existing resources; and it was brought to this honourable House without consultation.

And through you, Mr. President, I would like to direct something at Sen. Swaratsingh. Sen. Swaratsingh, I do not think this should be trivialized.

In clause 9—I would like to start with clause 9. Clause 9 provides that a sacramental dispensary may dispense only to persons over 25, and makes dispensing to a younger worshipper, at a place of worship, punishable by 30 years in prison, and by amendment, the person dispensing must now demand national photo identification before completing the dispensation.

Mr. President, in addition—and this is where I do not want it to be trivialized at all. The Bill contains no exemption for communion wine. So, on its face, a

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communicant under 21 who drinks would be in some problems.

Sen. Dr. Swaratsingh: Senator, would you give way?

Sen. V. Dhanpaul: Sure.

Sen. Dr. Swaratsingh: Mr. President, let me just correct one thing. When it is communion, it is no longer wine, it is the blood of Christ.

Hon. Senators: [*Desk thumping and crosstalk*]

Sen. V. Dhanpaul: Same thing with cannabis. I know, I know, but do you understand the point?

Hon. Senators: [*Continuous crosstalk*]

Sen. V. Dhanpaul: I understand all of that. And, Mr. President, this comes right after the Government succeeded in annoying the Christian community by introducing NLCB games on Sundays.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: Similarly, Mr. President, a 22-year-old Rastafarian, whose faith Parliament accommodated in 2022, is now told that his religious observance is now a crime. His elders are told to check identification cards at the door of a place of worship. Mr. President, in 2019, this Parliament took a considered decision. It decriminalized possession of small amounts of cannabis by adults up to 30 grammes and four plants. The purpose was essentially to stop filling our courts and prisons with young people whose only offence was possessing a joint, and to stop branding them with records that closed the door to employment. That reform followed public consultation.

Clause 3 reverses that decision for every citizen between 18 and 25. The protection in section 5(2)(f) and (g) of the Dangerous Drugs Act would apply only

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to persons over the age of 25. For everyone younger, the conduct Parliament decriminalized seven years ago becomes an offence again.

Mr. President, what will a 22-year-old who uses cannabis do when this Bill is passed? He will not stop. Prohibition does not stop use. He will go back to the street dealer, the same dealer who sells harder drugs and who is connected to the gangs this Government says it wants to defeat. We will be handling the gangs, a captive market of young customers. The same is true with gambling. A minimum gambling age of 25 is an extreme outlier. Most jurisdictions set 18 or 21. A 24-year-old barred from every licensed casino, betting shop and members' club will not give up gambling. He will reach for his phone and open an offshore app that answers to no regulator here, pays no taxes here, and has no duty to protect him from addiction. New section 81A now puts an identification check at the door of every licensed gambling premises. There is, however, no doorman on an offshore app.

Ironically, the Government seems to know this, including clause 8 of a new section 76A, creating an offence of conducting remote gambling without a licence and carrying a fine of \$5 million and seven years. The Government is pushing young people out of the regulated market and into the online market. At the very moment, it admits that the online market is a problem.

Then there is the National Lotteries. New section 82A makes it an offence for:

“...a person under...twenty-five...”—to—

“(a)...”—gamble—“...by any method, electronic or otherwise...”

The Bill does not amend the National Lotteries Act and the amendments did not

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touch it. So, which is it? In section 82A, if section 82A does not capture the NLCB then a 20-year-old can be fined for entering a betting shop while buying Lotto Plus, Play Whe, and scratch cards freely across the counter and the Government has exempted its own lottery.

Mr. President, if section 82A captures the NLCB, the Government has just cut off a large part of the customers of more than 1,200 lottery agents and of an enterprise that the Finance Minister told us earns nearly \$3 billion a year against an illegal lottery market he estimated at \$9 billion. Either way, the illegal operator wins. I ask the Minister to say on record whether section 82A includes NLCB games. Simple.

Mr. President, less than a year ago, this Government doubled the excise duties on rum, beer and cigarettes. And that excise duty falls on local and CARICOM producers, giving imported brands an advantage. All producers raised their prices almost immediately and Opposition Members warned that businesses were already closing their doors. Now having made the product more expensive, the Government proposes to remove whole segment of the customers. Think of who pays: The rum shop owner in a rural village, the bar and lounge in San Fernando, the fete promoter whose paying crowd often is very young, the Carnival band, the beach bar, the events company, the betting outlet, the lottery agent, the members' clubs and the staff they employ.

They face lost sales on one side, and on the other, a new regime of fines, \$100,000 for a missing sign, \$300,000 and the possible loss of a licence under new section 60B if a child is found in a part of the premises where liquor is sold. In how many of our villages is the parlour, the grocery and the bar the same counter?

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Mr. President, the amendment now adds a third burden. New section 60(1)(a) of the Liquor Licences Act does not say that the seller must ask for identification when the customer looks young. It says the seller shall, before completing the sale, require the purchaser to produce a valid form of national photo identification; every purchaser, every sale, and if it is not produced, the seller shall immediately refuse. So, the 70-year-old pensioner who has bought his nip at the same counter for 50 years must now show his ID card, and if it is left at home, he must be turned away.

The same rule applies to every pack of cigarettes and every vaping product. Every person entering a club or a licensed gambling premise must produce identification card at the door. Mr. President, picture the barman at a Carnival fete with a five-deep line checking IDs for every drink. My colleagues have already mentioned Carnival bands and all-inclusive fetes. And what is a national photo identification? The Bill does not define it. Is it only the National Identification Card? Is a driver's permit enough? What about the visitor of a cruise ship or the tourist at a hotel bar in Tobago whose only document is a foreign passport? The bartender facing 15 years is entitled to know.

11.35 p.m.

The same rule applies to every pack of cigarettes, and every vaping product. Every person entering a club or a licensed gambling premise must produce identification card at the door. Mr. President, picture the barman at Carnival fete with a five-deep line, checking IDs for every drink. My friends, my colleagues have already mentioned Carnival bands and all-inclusive fetes. And what is a national photo identification? The Bill does not define it. Is it only the national

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identification card? Is a driver's permit enough? What of the visitor of a cruise ship or the tourist at a hotel bar in Tobago whose only document is a foreign passport? The bartender facing 15 years is entitled to know.

The Chamber of Industry and Commerce, the Beverage Alcohol Alliance, the Supermarkets Association, the Promoters Association, and the lottery agents have all raised the alarm. None was consulted. Mr. President, Did the Ministry of Finance or the Ministry of Trade assess the economic impact of this Bill, taken together with last year's increased duties? Has the Government estimated the lost excise, VAT and gaming taxes when a large group of adults is removed from the lawful market? If that work has been done, I have not seen it. If not, this Senate has been asked to legislate blind

and the public is entitled to ask whether a Bill built on \$50,000 fines is about protection or about revenue.

Mr. President, the best enforced law I have ever seen in Trinidad and Tobago, for reasons since Independence, is the law about non-smoking in enclosed public areas. That enforcement takes place almost automatically. If the Government can get enforcement—a similar type enforcement—where I have never seen anybody being thrown out of an enclosed area while smoking; they just do not smoke in enclosed areas. If that can be done, then the Government may be onto something.

Under this Bill, any police officer with reasonable grounds to believe that a young person has a beer, a cigarette, a vape or a joint may stop that person and issue a fixed penalty notice. Our police service is already stretched fighting murders, gun crime and gang violence. Every hour an officer spends ticketing a

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20-year-old with a Crib at a beach lime is an hour not spent on those crimes. How is the age proved?

The Government's answer came at committee stage, compulsory photo identification written by amendment into six of the seven Acts. Under new section 5(2)BB of the Dangerous Drugs Act, a police officer who believes a person with cannabis is under 25 shall require that person to produce national photo identification. What happens if the young man has no ID on him?

Mr. President, the Bill offers three routes: 30 hours of community work, 30 hours of counselling by a faith-based organization, or 30 hours of counselling by a qualified psychologist. Where are these programmes? How many qualified psychologists are available to the State to deliver thousands of hours of counselling across Trinidad and Tobago? Who will accredit the faith-based organizations and to what standard? A young person has 28 days to start and three months to finish. If the programme does not exist or has a waiting list, she fails through no fault of her own and the notice becomes a summons.

Mr. President, just one thing I want to bring to the attention of the Attorney General. And the entire offensive on vaping. But there is also another thing, something else called—and let me spell it—hookah, H-O-O-K-A-H, that I saw nowhere in the Bill. And I think that is something that should be given consideration; H-O-O-K-A-H.

Mr. President, let me draw the threads together. This Bill treats adults as children, and children as criminals. It sets fines no young person can pay and leaves the real price to a Minister's Order. It imposes 30 year sentences for the sale of liquor. It reopens a cannabis question Parliament settled in 2019, intrudes

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on religious observance, and drives young people towards the street dealer and the offshore app. It strikes at businesses and workers already burdened by double duties. It depends on police time, court time, and programmes that do not exist, and the amendments have not cured it. They give one exemption to the young worker, and in exchange, add a new offence, and asks every citizen for his paper. Mr. President, we all want to protect our young people, but protecting them does not mean punishing them for being young.

In closing, based on the Bills, brought before this honourable House in the last week, the SO Bill, the Procurement Bill, plus this one, it is clear that the Government wants to impose what George W. Bush called an “axis of evil” on the people of Trinidad and Tobago. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Candice Jones-Simmons.

Hon. Senators: [*Desk thumping*]

Sen. Candice Jones-Simmons: Thank you, Mr. President, for acknowledging me and allowing me to enter the debate at this time. It is an unenviable position to be in, I must tell you, because I know that my colleagues, their patience, it grows very thin. So, I assure you, Mr. President, that I will be very brief.

Now, it is easy for me to stand here and say that I support the intention of this Bill. It is simple. You know, who can argue with delaying the exposure of substances and alcohol to young, vulnerable minds? Mr. President, I do not drink. I do not smoke, I have no interest in gambling, and I am a parent. So, I do not want to speak in a vacuum, because, you see, citizens sometimes feel that Senators speak in a vacuum and that we do not have a point of reference. And sometimes

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they are led to feel that we do not know. So, I too can speak from experience.

I know firsthand what it is like to deal with persons who have succumbed to substance abuse. I have seen the effects of brilliant minds go into waste from early exposure to marijuana. And I have seen and I know the hurt that it causes families and how that goes outward to society. That is why I have abstained. But it is not because of something that I did. But it was based on things that I saw. That is my strength. And that is my story, and I am speaking from a perspective of bias.

It is very easy, therefore, to say that I support the Bill from that perspective. When I first heard of the Government's intention, I believed I could support it wholeheartedly. Like I said, who could disagree with the stated intention that we have heard over and over again? It is to protect our children. The Government has highlighted research on brain development that tells us that the longer exposure to drugs and alcohol is delayed, the better the outcome. And that raising the age of access to alcohol and drugs is a preventative measure, a deterrent, and a statement of what we, the Government, value for our children. But then I started to read letters to the editor, engage with young people, and then I realised that the legislation affected them in ways that demanded fuller discourse.

Two questions kept coming up. They were addressed already. Will it work, all considered and the forbidden fruit effect? And the second, which, as Sen. David Nakid said, is the philosophical question of whether the laws and the policies affecting the age of majority are consistent? Now, age thresholds have shifted throughout history and those shifts have been caused by cultural attitudes and social considerations. Now, the Bill prompts us to distinguish between the age of majority, which is when you become a legal adult, and what I would call the age

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of licence, which is when you can do specific things. And that is where the conflict really is.

Now, Mr. President, I want to sternly say these are valid concerns, many of which have already been traversed. The Bill is saying—well, really, it is denying adult privileges while imposing adult burdens. And if we accept that young adults are not yet fully mature, then there should be consistency in the way policies and laws are enforced.

Hon. Senators: [*Desk thumping*]

Sen. C. Jones-Simmons: We should consider expanding then. This is my view. Then let us expand juvenile or children's court systems to include those in their early 20s. Then it should go that far. If the science of ongoing brain development justifies restricting access, then it should also inform how we sentence and rehabilitate them.

Now, I want to address a point that I have not heard addressed here, and I speak about this because it is an area that I am passionate about. It is what concerns me the most, really. There is a category of young people who this Bill will disproportionately affect, and it is the neurodivergent individuals, particularly those with ADHD and autism spectrum disorder, because they face a higher risk of substance use disorders. Research actually suggests that people with ADHD are about three times more likely to struggle with substance misuse. Many of these young people, Mr. President, some of them diagnosed, but most of them are not. Do you know what happens to them? They use cannabis to cope.

Imagine you are a young adult. Your mind is always racing. You cannot sit still. You are giving trouble in school. You are often discussed in society as these

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miscreants. But somebody introduces you to cannabis, and it eases you. You do not even know why and you know why you do not know? Because you have challenges with your prefrontal cortex, which affects your ability to self-regulate, and that drug makes you feel good.

There are many adults walking around now, Mr. President, who do not even know that they have ADHD or autism spectrum disorder, and that their drive or the proclivity towards these substances is actually because of this condition. Because, you see, they have impulsivity that is rooted in an internal problem, and these persons are vulnerable, not because they are bad, but because of how their brains are wired, and they are often misunderstood.

Now, standard abstinence models often fail when the underlying condition is undiagnosed and untreated. So, let us sit with that. Abstinence models fail for this category of persons. So, we can point to statistics on children in conflict with the law who are under the influence of cannabis or other drugs, but what we are not shown is how many of those children have underlying mental health conditions who are neurodivergent. So, that is a missing statistic. So, I want to address that because I heard a lot about, well, we are giving you the statistics, but you are not accepting it. So, yes, we are getting statistics, but the statistics are not telling me what I want to hear. So, I am asking for it. I am kindly making a request to those on that side who have challenged us to say, if you want to be genuine, be genuine. So, I am being genuine. Please provide the statistics on these children.

Hon. Senators: *[Desk thumping]*

Sen. C. Jones-Simmons: How many of them, when they come before the court, what is the percentage of them who have underlying conditions? Because a purely

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punitive approach, and the research bears me out on this, a purely punitive approach is counterproductive for persons who are neurodivergent. This only addresses the symptom, and it ignores the root causes. And I want to say that it risks criminalizing behaviour that flows from a disability, and that scares me. A criminal record limits future opportunities for persons in this category. It further alienates them from the very support systems that they need, and it may push them towards harder offending. So, if we proceed, Mr. President, without more, we are actually punishing them twice.

Now, in the other place on the debate on this Bill, Minister Vandana Mohit reported on this, and I am very pleased that Sen. The Hon. Dr. Kennedy Swaratsingh was able to quote exactly what I saw, that 130 minors are currently receiving state intervention. She talked about 59 of them treated for alcohol misuse, 38 for marijuana and alcohol. But I want to understand, because that is concerning. I want to understand how many of these young people have undiagnosed or diagnosed mental health or neurodivergent conditions.

11.50 p.m.

The Minister has said that the youth programmes are under review, and a review is not wrong. But I must ask: What happens in the interim when all these programmes are suspended? Because these young people need urgent care. When the programmes are suspended, what is filling the gap? Prohibition without support, respectfully, Mr. President, is only a half policy.

Now, allow me to end with a broader point. Dr. David Bratt, writing in the *Trinidad Guardian*, he observed something that I thought was interesting, that cigarettes endured not only through addiction and brilliant advertising, but through

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companionship. He said, you know, in the days when it became popular, if you were alone, you were shy or waiting for friends, you could light a cigarette, lean on a wall and look comfortable. The cigarette said, “You are not alone,” and he suggests, Mr. President, that the smartphone has now taken its place.

Look around any room, everybody is holding a phone. No one is ever awkward or out of touch when you see them alone with a phone. But, Mr. President, the same dopamine mechanisms are at work. The same threats, the same concerns that we have with the addictive behaviours in alcohol, cannabis and gambling exist with the pull of the smartphone. So, if this Bill is rooted in protecting children from addictive influences, well, I look forward to hearing how the Government intends to treat with that one.

Now, Mr. President, before I leave, I want to offer this. There needs to be—and I have said it before, not in this debate—increased funding for screening and referral for neurodivergence and mental health conditions among at-risk youth in the schools and those young adults who are in contact with the justice system. We need to publish data on how many of these persons in the system are neurodivergent.

Secondly, we need to invest in programmes that do not just lecture to them. Because we have heard about us using scare tactics, but let us be honest, scare tactics are also used to promote the legislation. So, we need to teach coping mechanisms, stress management, emotional regulation and the requisite life skills without judgement. We need to have the requisite programmes as well that offer healthier alternatives to the dopamine rush.

Lastly, I want to also add my voice to the calls that prefer diversion and

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treatment over punishment for young people with substances, especially where an underlying condition is suspected. I support the intention of this Bill. I do share the goal of protecting children, but protection is more than prohibition. And if we raise the age without investing in treatment and screening and support, I want to say this: We would have changed the law without changing the lives of the young adults it is meant to serve. So, let us not only pass laws that deter, but let us pass laws that truly help. I look forward to hearing the Government's response to my specific question. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Attorney General.

[*Sen. Foster Cummings stands*]

Mr. President: You want to speak now?

Sen. Cummings: Yes, Mr. President—[*Inaudible*]

Mr. President: Listen—Sen. Cummings.

Hon. Senators: [*Desk thumping*]

Sen. Foster Cummings: Thank you, Mr. President. Mr. President, I take note of the time, and it is not my intention to utilize my full 40 minutes. Many of the points that I did intend to raise have been traversed. So, I will treat with some other issues.

Mr. President, it goes without saying that there is obviously an intention behind this legislation to treat with the excessive use of alcohol, the threat of gambling to the lives of young people, and the negative effects of tobacco and cannabis. And, Mr. President, during the debate, the Minister of Defence spoke, and some of what he had to say caused me some significant concern. Because

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during his contribution, he actually told us, in his response to the contribution of Sen. de la Bastide, that the real intended target of the legislation—not his words, I am paraphrasing—are not the young people in the 1 per cent areas who could drink the alcohol and go to West Shore and pay a bill, et cetera. They are not affected. He went on to say that it is the youth from the ghetto and called certain communities, Sangre Grande, Lavantille, Belmont, et cetera, et cetera.

Mr. President, he went on to say that from his experience, the youths from these communities do not drink beer and wine. He had knowledge that they drink Puncheon rum and smoke black cigarettes. And for those who he felt did not understand what a black cigarette was, he went on to explain what a black cigarette was. Mr. President, not all the young people from at-risk areas drink Puncheon rum.

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings: And not all of them smoke black cigarettes. As a matter of fact, in many of these communities that another Senator in here likes to talk about, Sen. Nakhid, in many of these communities come very successful young people—

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings:—who have taken advantage of opportunities available to them, and we must not paint everybody with a broad brush. This legislation cannot and should not be intended, in the words of the Minister of Defence, to be targeting ghetto youths, as he put it.

The problem I imagine that the Government is attempting to solve spans young people throughout Trinidad and Tobago. I hope that is what the Minister intended to say. Because as soon as we start to stigmatize the young people, when

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the persons who have to enforce these laws hear from the policymakers, the decision-makers in the Government, that this is intended for young people in particular at-risk urban areas, then in the performance of their duties, they are going to focus in those areas.

But let us assume that the Minister is speaking government policy and projecting to us what the intention is, then where are the social support programmes? When we did the cannabis decriminalization some years ago—in 2019, I think it was—one of the points we made was that a lot of young people who use cannabis, otherwise known as weed, and found themselves with small amounts or small joints, got arrested, faced the courts and were convicted, had great difficulty thereafter organizing their life to become a productive citizen in Trinidad and Tobago? That was one of the reasons that the then government policy was directed towards the decriminalization of small amounts of marijuana.

What this legislation has the potential to do is to, up to the age of 25, reintroduce the ability for these young persons, who may already be using cannabis, to end back into that same trap and add to it alcohol, tobacco, gambling, et cetera, et cetera, et cetera. And I say to the Government that notwithstanding your intentions, you have, or you should consider how something like this is going to clog the judicial system, and is going to cause young people, who may be experimenting with the use of these substances, to end up delayed in their progress because of a criminal record.

Laws alone will not change behaviour, Mr. President, proper enforcement, social intervention programmes and sustained public education.

Sen. Allahar: Mr. President, may I? 53(1)(b), we are getting into tedious

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repetition of the arguments.

Sen. F. Cummings: I have been speaking for two minutes.

Mr. President: That is the challenge when you come very late in the batting order. So, just tie up your points and do not repeat what others have said, please.

Sen. F. Cummings: Thank you, Mr. President. Mr. President, the vast majority of young people in Trinidad and Tobago count on the Government to create the ecosystem of support that they require. In particular, some of the young persons whom the Minister spoke about during his contribution depend on the Government to create the ecosystem of support that they require to realize their full potential, as the mover of the Bill spoke to during his presentation, when he spoke to young people realizing their full potential. They depend on the Government to assist with that.

I do not need to remind Trinidad and Tobago—I mean, I saw development today where certain programmes were moved from the Ministry of Tertiary Education to the Ministry of Sport and Youth Affairs, YTEPP, MIC, NESC, et cetera. On the face of it, it is a good fit. Whether those with the responsibility to execute it will do it as they should, we wait to see. But the young people need more than punitive action along their development path. And we wait to see with bated breath the many social support initiatives that should be available for the young people, because you can spend all of your time suspending and auditing, et cetera, et cetera, while the young people suffer. And what do we offer them? Zones of special operations?

Now, this particular legislation, all that you are doing is giving the authorities more power to penalize behaviour that is existing, whilst at the same

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time, you are not putting in place the support that these young people require and are depending on. So, Mr. President, there are some things I would like the Attorney General to look at in his winding up.

12.05 a.m.

Mr. President, there are aspects of this Bill which we have no quarrel with—I have said that earlier—and I am glad that the Government introduced the aspect that deals with vaping. Keeping children away from gambling deserves our support. Preventing exploitation of children in the drug trade deserves support. Rehabilitation, rather than unnecessary conviction, is a principle we should encourage.

None of these objectives require us to ignore whatever drafting effects this legislation has. None of it requires us to accept 30-year prison exposure without explanation. None requires us to treat the age of 25 as self-justified. None of it requires us to demand identification from every person, if a more targeted system can achieve the objective. None requires us to create an express contest process that is unnecessarily complicated.

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings: None of it requires us to approve a rehabilitation system without knowing whether the programmes, providers, financing and administrative machinery are ready and in place.

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings: Mr. President, the function of this Senate is not to rubber stamp what comes from the other place.

Hon. Senators: [*Desk thumping*]

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Sen. F. Cummings: The existence of a legitimate objective does not place the drafting beyond scrutiny. That is the purpose why we are here.

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings: For some reason, the Government thinks what once we speak on a piece of legislation, if our views do not fall in line 100 per cent with them, as a person looking into a mirror, that somehow we are about objecting for objecting's sake.

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings: So that when I hear that—well, I cannot say the word “consultation”. But when I hear that the feedback from the population on this matter is the campaign that the UNC ran to be elected, that may have involved the persons listening to the speeches, having some of the very substances in their system that we are discussing today—

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings:—and I hear that that is the feedback that informs the Government's policy, all I could say to the Government is, be wary in wrongdoing. There is no harm, in spite of this probably being part of your campaign promise, in spending a little more time—I mean, I listened to Sen. Jones-Simmons, a short while ago, making a valuable and valid point. How does that enter into the policy of the Government? Because it is not in the legislation. Therefore, in talking to different interest groups, there is no harm in that. I know the Government likes to stay, “Promise made, promise delivered.”

Hon. Senators: Kept, kept, kept, kept, kept, kept.

Sen. F. Cummings: Oh, all right. I know you like to say that. But there is no

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harm in speaking to the citizens, who have put you in office, to test from them—to get additional details from them. When you bring important legislation like this and give us two days to look at it—yes, you are in office, yes, you have been elected to serve, you are the Executive. But there is no harm in giving, even us, the parliamentarians, more time to consider important and significant legislation like this.

Hon. Senators: [*Desk thumping*]

Sen. F. Cummings: This is legislating a conduct and behaviour that is culturally embedded in this society. We bury our heads in the sand if we think otherwise. If we think it is only young people in Belmont, Laventille and La Horquetta, as the Minister said, that are consuming alcohol before the age of 21, well then, we could take a drive down to Barrackpore and Penal, and we will meet young people down there doing the same thing. It is a national problem, not restricted to so-called PNM areas. Therefore, there is no harm in giving a little more time when you are working or introducing some important legislation. It must not come like a thief in the night, and that is what has been happening. That is what the trend has been.

So, Mr. President, we need to separate the discussion about 21 from the discussion about 25. There is credible international evidence supporting 21 as the legal threshold for alcohol and tobacco sales. I will not spend much time on that because other speakers spoke about that. Some feel that it is a copying of what is in the US. I am sure many of us would have experienced going to business places in the US that sell alcohol and they ask you for your identification before you enter the premises. What I think that we need to take note of is the very excessive penalties associated with this particular legislation, Mr. President: \$50,000, 30

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years—

Sen. Allahar: Standing Order 53(1)(b), Mr. President.

Mr. President: Yes, Sen. Foster Cummings, that matter has been raised. Move on to something new, please.

Sen. F. Cummings: Yes, Mr. President. As I said, I am not using all of my time. I know that the Government makes very active use of the Standing Orders. Yes, Mr. President, I am open to clarification from the Government on this point, but a person who refuses to pay or complete rehabilitation does not disappear from the justice system. This notice eventually operates within court process, and the proceedings may continue, so that the concern is that the specific statutory mechanism called a “notice to contest” appears to be drafted around a person who has first paid or has first elected rehabilitation. And the question is, why?

If a citizen receives a notice this afternoon, for instance, and says immediately, “This allegation is wrong. I wish to contest it,” why should that citizen have to pay first in order to use the express contest mechanism? Why should that citizen have to elect a rehabilitative programme which he or she does not believe should be undertaken? Why should a person, instead, have to wait for the payment period to run out and for the default process to take its course before the matter advances? I am asking the Government and the Attorney General, when he winds up, if he can give some additional explanation behind the policy purpose in terms of the matter I just raised of the notice for someone who wishes to challenge.

So, Mr. President, I want to deal, for a minute, with the national identification—very quickly because I know that Sen. Dhanpaul touched on it. I

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am hoping that the Attorney General, in his wind-up, would also deal with that, additional clarity on what the definition of a national identification will be; what would be the status of persons who may not have a passport, an ID card or a driver's permit; and certainly, what would be the situation for nationals visiting Trinidad and Tobago. Because even when you travel to the US, if you are going to one of these establishments, they accept your identification from Trinidad and Tobago as proof of your date of birth. I do not think that we addressed that here, and I would like the Attorney General to please give some information and a definition for that.

Mr. President, the other matter deals with—I know that the amendment was made regarding the employees as it relates to alcohol. And I heard the Attorney General said earlier, in response to, I think it was Sen. Dhanpaul, or a previous speaker, that employees in relation to the cannabis—somebody asked about nurses and doctors who have to dispense—

Sen. Dr. Rose: Sen. Murray.

Sen. F. Cummings: Sen. Murray, it was—and the Attorney General gave a particular undertaking. But what is the situation in relation to the gambling and casinos? Is there any provision for employees at the casinos? Because many of these young persons are employed at casinos. And what is the situation in terms of service providers who have to—

Hon. Senator: It is in the amendment.

Sen. F. Cummings: It is in the amendment? Okay, thank you.

Sen. Jeremie SC: It is late in the day, and I am just assuming that you have read the Bill as amended in the House. It took into account all of those things.

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Sen. F. Cummings: I thank you for the clarification, Mr. President, from the Attorney General. So, Mr. President—

Hon. Senator: [*Inaudible*]

Sen. F. Cummings: “I doh need yuh help”. Mr. President, I have made some additional points, a lot of which I had to do some redacting based on the time at which I am entering the debate, but I hope that the Government will take on board the question of social intervention in these communities, the question of support programmes for these young people, and to make sure that you are not just about punitive action against the target group that this legislation is intended to affect. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: The Attorney General.

Hon. Senators: [*Desk thumping*]

The Attorney General (Sen. The Hon. John Jeremie SC): Mr. President, it is late in the morning.

Hon. Senator: Early.

Sen. The Hon. J. Jeremie SC: That is to tell you how tired I am. It is early in the morning. We have been here for a substantial period of time. Now, I am not going to personalize any insults. I apologize for saying to Sen. Cummings a while ago, “Perhaps you should have read the Bill as amended in the Lower House.” That is really my tiredness getting the better of me. I apologize.

Now, the debate has turned, essentially, on two matters: One concerns the ages that we have imposed for regulation, and that is what it is, Mr. President. These are ages which the Government has set for regulation of certain activities.

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The other main issue concerned the questions of penalties.

Now, if I could deal with the last issue first, the penalties issue, I think—I mean, the word “hypocrisy” sometimes jumps out of my mouth. In spite of the fact that it is 12.15 in the morning, I mean, it cannot have escaped my friends on the Bench opposite that during the last couple of years, you made these amendments to our laws, and I am just picking a few: In the Interpretation Act, that is the first piece of legislation next to the Constitution. If you are familiar with the “red books”, it is in the “red books” in some editions. What you did was change the fines for breaches of a regulation—not a law, a regulation. You understand what a regulation is? It is subsidiary to law. So that is a subsidiary regulation. It is not even a law, but you change the fines for that. And I know that Sen. Al-Rawi knows this. Section 63 of the Interpretation Act, you know what you changed it from? Mr. President, \$500—

Sen. Al-Rawi SC: \$250.

Sen. The Hon. J. Jeremie SC: Say that again?

Sen. Al-Rawi SC: \$250.

Sen. The Hon. J. Jeremie SC: Mr. President, \$500 to \$100,000, breach of any regulation. That is Act No. 8 of 2020. In the Dangerous Drugs Act, the penalties in there range from 25 years to life. I mean, is it not rich of you to be talking to us, on this side, about a fine of \$50,000?

Hon. Senators: [*Desk thumping*]

12.20 a.m.

Sen. The Hon. J. Jeremie SC: And that 25 years is tied on as Sen. Al-Rawi SC, who is relaxing now, knows, because he knows, to a \$1 million fine, okay. So, I

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think that the thing that you guys ought to do at this time of the morning is to speak less.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Now, there are a number of other examples in the Finance Act of 2021, Act No. 10 of 2021. You have made certain amendments to the Children Act. Now, I agree with the amendments. But again, 60 years' imprisonment, 6-0. I am not sure what that looks like. And 30 years' imprisonment and so on. Now, the Firearms Act: penalties between 15 and 25 years, and that is for possession of an illegal firearm. So, I mean, the object of the penalty is to express society's repugnance at the conduct, and I think that the penalties which are in the legislation before us are responsible penalties and they are proportionate.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Now, on the ages issue. I do not think—I said I will not personalize anything, so I am not going to deal with Sen. Rose again today, okay? So, I left that alone on the last occasion. I am leaving it alone again today. So, Sen. de la Bastide.

Now, Sen. de la Bastide, he said he does not support the increase in the age of drinking to 21. That is a policy distinction. The legal age to drink alcohol in a number of territories throughout the world has been raised to 21 on the back of medical evidence. You asked for evidence. The medical evidence was produced by my colleague, the Minister of Health, earlier on in the debate. Sen. de la Bastide suggested that we take steps to reduce the accessibility of alcohol, and I think that is what the Senator was suggesting. And by doing that, I think he was

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suggesting steps other than those in the legislation that is before us. We are doing that, and we intend to run the types of public and media campaigns which would achieve that result.

Now, Sen. Chote SC raised an interesting point. And one that I had to spend some time checking on. It relates to the question of the punishment with respect to 10-year-olds. Now, the answer to that is a bit complicated. I know it is 24 after the hour. I checked on it. If you look at section 38(1) of the statute, you will see that it begins as amended, subject to (4):

- (1) “Where a constable reasonably believes that a child or person whom he reasonably believes to be a child is—”

And then you go down. That is 38(1) of the Children Act, which is what we amend. Now, just before (B), the Act says:

“the constable shall...”

At—

- “(h) issue a warning to the child or person;
- (i) obtain the name, address and contact details of the child or person, and of the parent, guardian or person with responsibility for the child or person...
- (j) immediately notify the Authority, who shall contact...”—so, and so, and so.

And then you get to section 38(2). Section 38(4) is the one which says:

- “(4) Subject to sections 38C and 38G, a child over the age of ten years who contravenes subsection (1)...commits an offence and is liable on summary conviction to a fine of fifty thousand dollars.”

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Well, the Act is there saying that—and this is after we have the fixed penalty provision, I accept that section 38(1) is subject to (4), so I accept that. But what you have in 38(4) is a statement of legislative purpose that a child is liable to punishment, well, for criminal punishment if he breaches the law. But, of course, he is only guilty—he is only stigmatized, he is only criminalized when he is found guilty, and that carries us into the dual impacts and all of those things. At 7, mischievous discretion is not present. At 14, perhaps, yes, somewhere in between there, there is a range. So, yes, it is an attractive point, and it did cause me to look at the law, but I think that there is an answer to it.

The fact of the matter, Mr. President, is that in the United States, in Canada, in Sri Lanka, in Lithuania, in Singapore, in New York in the United States and in California the legislatures have recognized variously—and this is for the benefit of Sen. Rose—that alcohol, tobacco, gambling, and cannabis are deserving of regulation. In one or the other of those territories, one or the other of those things has been recognized as worthy of regulation. And in the United Kingdom, just a few months ago, the legislature in 2026 enacted a law which prescribed that people who are born after 2009 are not ever going to legally smoke tobacco. So, they have legislated for a tobacco-free generation in the United Kingdom. Now that is progressive law.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: We have not gone that far. And if I could just be permitted in the dying moments of this debate to say a couple of things. I remember—I am telling you how old I am now, but I remember when we debated in this Senate the Anti-Tobacco Legislation. And the debate in the Senate took

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almost exactly—perhaps, Mr. President, you might have been present at that time, but the debate at that time took exactly the contours that the debate took today.

And I want to say one thing about a friend of mine who sat on the Independent Bench who smoked like a chimney, Sen. Dana Seetahal SC, who spoke to me because we thought we had difficulty passing the law. And that law required in those days a special majority. We know about the special majority. We know about that today. But it required a special majority, and it was thanks to her, this is a chimney smoker telling me, “Okay, this is a good piece of legislation, I support the objective. It is not going to make my life easier, but I will support it.”

Mr. President, I want to urge my colleagues on the other side of the aisle to consider the fact that: One, no piece of legislation is perfect. Two, this legislation was not dreamt up in the fevered brain of any person. The legislative process, as my colleague Sen. Al-Rawi SC knows, involves the formulation of policy, a legislative review committee, and oversight by the Cabinet. All of those things take place before legislation can reach this House. And when I hear no fight, and you all have to allow me to—

Hon. Senators: Yes, please do.

Sen. The Hon. J. Jeremie SC: Talk about poor drafting? I looked behind there and I see five public servants—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC:—who have been in this place as often as we have been in this place until two o’clock in the morning, and in the other place because they do double duty, they do not work in the Senate. They are the drafters. They are the experts. They are trained experts. Their drafting skills must be recognized

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and respected by us.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: They are not infallible. They are not infallible, but I will tell you one thing. They are not neophytes.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. J. Jeremie SC: Mr. President, with those words, I beg to move.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

12.35a.m.

Mr. Chairman: Hon. Senators, this Bill has nine clauses. We have in fact received a list of amendments from the Attorney General, which was circulated to all Members of Senate by email. So kindly check your electronic device if you have not done so. So everyone is supposed to have copy of the AG's amendments. And that is an amendment to clause 3 and 9, I think, respectfully. Right? We have received no other amendments.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed: That clause 3 stand part of the Bill.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: Chair, I have an amendment. In the other place there was an error and 3(a) as circulated is intended to correct the error. It reads:

In paragraph (v), in the proposed subsection (2BB), after words “(2)(f)” insert the words “or (2)(g)”.

It can be corrected by the Law Revision Commission as a typo.

Mr. Chairman: Okay. Anyone has an amendment or want to intervene? If not, I shall put the question.

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clauses 4 to 8 ordered to stand part of the Bill.

Clause 9.

Question proposed: That clause 9 stand part of the Bill.

Mr. Chairman: Attorney General.

Sen. Jeremie SC: Chair, again the amendment is as circulated. It is necessary to correct to misplaced subsections; subsection (1A) and subsection (1B) are at page 79 of the Bill.

A. Delete subclause (c).

B. Renumber subclauses (d) to (g) as subclauses (c) to (f).

C. In the renumbered subclause (c) -

(a) at the end of paragraph (ii), delete the word “and”;

(b) renumber paragraph (ii) as paragraph (iv);

(c) insert after paragraph (ii) the following new paragraph:

“(iii) by inserting after subsection (1) the following new subsections:

“(1A) A person dispensing cannabis in accordance with subsection (1) shall, before completing the dispensation, require the person requesting the

cannabis to produce a valid form of national photo identification establishing that the person has attained twenty-five years of age.

(1B) if the person requesting cannabis fails to produce a valid form of national photo identification upon request, the person dispensing shall immediately refuse to complete the dispensation.”; and”.

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Question put and agreed to: That the Bill be reported to the Senate.

Senate resumed.

Mr. President: The Attorney General.

Sen. The Hon. J. Jeremie SC: Mr. President, I wish to report that the Miscellaneous Provisions (Alcohol, Cannabis, Dangerous Drugs, Gambling and Tobacco) Bill, 2026 was considered in committee of the whole and approved with amendments. I now beg to move that the Senate agree with the committee’s report.

Question put and agreed to.

Bill reported, with amendments.

Question put: That the Bill be now read a third time.

Sen. Allahar: Division.

The Senate divided: Ayes 15 Noes 12

AYES

Allahar, Hon. D.

Jeremie SC, Hon. J.

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Roberts, Hon. A.

Swaratsingh, Hon. Dr. K.

Maharaj, Hon. S.

Baptiste, Hon. L.

Alexander, Hon. P.

Ratiram, Hon. R.

Persad, Hon. Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, Ms. K.

Zakour, Hon. E.

Smith, Hon. D.

Nakhid, D.

NOES

Browne, Dr. A.

Al-Rawi SC, F.

Roberts-Radgman, Mrs. M.

Dhanpaul, V.

Cummings, F.

Rose, Dr. M.

Vieira SC, A.

Chote SC, Ms. S.

de la Bastide SC, M.

Jones-Simmons, Ms. C.

Murray, Dr. D.

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Phillips, Ms. Z.

The following Senators abstained: Dr. M. Attzs, Mr. F. Lewis, and Mrs. A. Lalite-Ettienne.

Mr. President: Hon. Members, the result of the division is as follows: 15 Members voted for the Bill, 12 Members voted against the Bill and there were three abstentions. The Bill is carried and approved.

Hon. Senators: [*Desk thumping*]

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

Mr. President: The Leader of Government Business.

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr President, I beg to move that this Senate do now adjourn to Tuesday, October 13th, 2026, at 1.30p.m. For the information of all Members, on that day we intend to debate the Municipal Corporations (Amdt.) Bill, 2026, subject to its passage in the other place.

Question put.

Hon. Senator: Division.

Mr. President: You want a division?

Hon. Senator: Yes, please.

The Senate divided: Ayes 22 Noes 6

AYES

Allahar, Hon. D.

Jeremie SC, Hon. J.

Roberts, Hon. A,

Adjournment (cont'd)

Swaratsingh, Hon. Dr. K.

Maharaj, Hon. S.

Baptiste, Hon. L.

Alexander, Hon. P.

Ratiram, Hon. R.

Persad, Hon. Prof. P.

Chaitan-Maharaj, Dr. N.

Baig, B.

Charles, K.

Zakour, Hon. E.

Smith, Hon. D.

Nakhid, D.

Vieira SC, A.

Chote SC, Ms. S.

Attzs, Dr. M.

de la Bastide SC, M.

Lewis, F.

Lalite-Ettienne, Mrs. A.

Phillips, Ms. Z.

NOES

Browne, Dr. A.

Al-Rawi SC, F.

Roberts-Radgman, Mrs. M.

Dhanpaul, V.

Cummings, F.

Rose, Dr. M.

Ms C. Jones-Simmons and Dr. D. Murray abstained.

Question agreed to

Senate adjourned accordingly.

Adjourned at 12.57 a.m.