

ANTIGUA AND BARBUDA



THE MISUSE OF DRUGS (AMENDMENT) ACT, 2019

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ANTIGUA AND BARBUDA
THE MISUSE OF DRUGS (AMENDMENT) ACT, 2019

ARRANGEMENT

Sections

1. Short title
2. Interpretation
3. Amendment to Section 2 of the Act
4. Insertion of new Part IA

[L.S.]



I Assent,

Rodney Williams,
Governor-General.

8th April, 2019.

AN ACT to amend the Misuse of Drugs Act, Cap. 283.

ENACTED by the Parliament of Antigua and Barbuda as follows—

1. Short Title

This Act may be cited as the Misuse of Drugs (Amendment) Act, 2019

2. Interpretation

In this Act—

“principal Act” means the Misuse of Drugs Act, Cap. 283.

3. Amendment to Section 2 of the Act

Section 2 of the principal Act is amended by inserting in alphabetical order the following definitions—

“Council” means the National Drug Council established under section 3A of this Act;

4. Insertion of new Part IA – National Drug Council

The principal Act is amended by inserting after Part I, a new Part as follows—

“PART IA NATIONAL DRUG COUNCIL

3A. National Drug Council

(1) There is hereby established a National Drug Council, hereinafter referred to as the Council.

(2) The Council shall consist of the following persons—

- (i) the Commissioner of Police of the Royal Antigua and Barbuda Police Force or his nominee;
- (ii) the Director of the Office of the National Drugs and Money Laundering Control Policy or his nominee;
- (iii) the Chief of Defence Staff of the Antigua and Barbuda Defence Force or his nominee;
- (iv) the Director of Analytical Services or his nominee;
- (v) a person nominated by the Minister with responsibility for Health;
- (vi) a person nominated by the Minister with responsibility for Social Transformation;
- (vii) a person nominated by the Minister with responsibility for Education;
- (viii) a person nominated by the Minister with responsibility for National Security;
- (ix) a person from the Barbuda Council nominated by the Minister with responsibility for Barbuda Affairs;
- (x) a person with training in drug addiction, counselling and rehabilitation employed at a rehabilitation centre in Antigua and Barbuda nominated by the Minister with responsibility for Social Transformation; and
- (xi) a person representing the Antigua Christian Council or other religious organization appointed by the Minister with responsibility for Ecclesiastical Affairs who shall not serve for more than one year and may be eligible for reappointment three years after their first appointment.

3B. Powers and duties of the Council

(1) The Council shall conduct a regular review with respect to drugs that are misused and where such misuse may have harmful effects on the users, either physically or mentally.

(2) The Council shall advise the Minister on measures which should be taken to prevent the misuse of such drugs or dealing with social problems connected with their misuse, and in particular on measures which shall be taken—

- (a) to restrict the availability of such drugs or to supervise the arrangement of their supply;
- (b) for enabling persons affected by the misuse of drugs to obtain proper advice;
- (c) for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care of such persons;
- (d) for promoting co-operation between various professional and community services involved in dealing with social problems connected with the misuse of such drugs;
- (e) for educating young persons and other members of the public about the danger of misusing such drugs, and for raising public awareness about the dangers of those drugs; and
- (f) for promoting research or obtaining information about a matter which in the opinion of the Council has relevance for the purpose of preventing the misuse of such drugs or dealing with any social problems connected with their misuse.

(3) The Council shall consider any matter relating to drug dependence, the misuse of drugs or the illegal supply of drugs which may be referred to it by the Minister.

(4) The Cabinet shall appoint a Chairman and Deputy Chairman from among the members of the Council.

(5) Six members of the Council shall constitute a quorum provided the Chairman or Deputy Chairman is present, and subject to that quorum, the Council may determine its own procedure.

(6) The Council is responsible for the—

- (a) National Drug Control Policy which is a document that includes—
 - (i) the legislative framework and a mandate;
 - (ii) an organizational structure;
 - (iii) a budget;
 - (iv) measures to deny safe havens to criminals;
 - (v) measures to control the movement of illegal drugs and precursor chemicals;

- (b) a National Drug Control Strategy which is a document that includes its—
 - (i) formulation and design;
 - (ii) contents and budgets; and
 - (iii) implication and monitoring.

(7) The Council may appoint one or more Technical Working Groups or any number of sub-committees to report on any matter referred to them by the Council.

(8) The Council shall be supported in its work by the Executive Secretary referred to in section 3C.

3C. Appointment and duties of the Executive Secretary

(1) The Council shall appoint an Executive Secretary.

(2) There shall be paid to the Executive Secretary, such remuneration as the Cabinet may determine.

(3) The Executive Secretary shall perform the following duties—

- (a) prepare meeting schedules and the proposed agenda in coordination with the Chairman or the Deputy Chairman;
- (b) prepare and disseminate meeting invitations, meeting agendas and minutes of the Council's previous immediate meeting at least one week prior to the date of an upcoming meeting;
- (c) prepare portfolios of all documents the Council may need in its meetings and provide copies to all members at least one week prior to the date of the meeting;
- (d) liaise with the Drug Observatory and the Drug Information Network of Antigua and Barbuda (DINAB) at the Office of National Drug and Money Laundering Control Policy (ONDPCP) to collect, collate scientific facts and data on subjects of research and discussion by the Council;
- (e) prepare the minutes of meetings;
- (f) codify the recommendations and decisions of the Council for ratification by persons who attended the meeting;
- (g) disseminate decisions issued by the Council;

- (h) monitor the implementation of the recommendations of the Council and evaluate the outcomes;
- (i) prepare bi-annual reports of the Council's achievements;
- (j) attend national, regional and international meetings relating to the issue of drugs in the hemisphere at the request of the Chairman or in his absence, the Deputy Chairman;
- (k) participate in, and facilitate the implementation of recommendations of, regional and international bodies, at the request of the Chairman or in his absence, the Deputy Chairman, such as, but is not limited to, the Mutual Evaluation Mechanism (MEM) and CARICOM IMPACS; and
- (l) support the preparation, implementation and evaluation of the National Anti-Drug Strategy Plan.

3D. Appointment and duties of a Technical Working Group

(1) The Council may appoint one or more Technical Working Groups or any number of sub-committees to report on any matter referred to them by the Council.

(2) The duties of a Technical Working Group are as follows—

- (a) Demand Reduction which is a task where a Technical Working Group is responsible for—
 - (i) integrated demand reduction;
 - (ii) health and family life education;
 - (iii) substance abuse in the workplace;
 - (iv) public awareness;
 - (v) networking; training and data;
 - (vi) treatment and rehabilitation;
 - (vii) in-prison programmers;
 - (viii) national surveys;
 - (ix) evaluation;

- (b) Supply Reduction which is a task where a Technical Working Group is responsible for—
 - (i) sharing of information and intelligence;
 - (ii) law enforcement training enhancement;
 - (iii) intelligence gathering;
 - (iv) monitoring and control of precursor and essential chemicals;
 - (v) forensic science facilities;
- (c) International Cooperation which is a task where a Technical Working Group is responsible for—
 - (i) promoting the ratification or accession to regional and international treaties and conventions relevant to the fight against drug trafficking and related offences;
 - (ii) promoting bi-lateral and multi-lateral agreements promoting information sharing and assistance to other states conducting drug trafficking investigations;
 - (iii) promoting international best practices related to special treatment for minor drug offences such as by a Drug Treatment Court;
 - (iv) advocating for the establishment monitoring and maintenance of treatment programmes and facilities to serve persons with problematic drug issues;
 - (v) supporting the secure exchange of information relative to trafficking activities in the jurisdiction with regional and international counterparts;
- (d) Control Measures, which is a task where a Technical Working Group is responsible for—
 - (i) establishing and executing the appropriate strategies to empower law enforcement agencies to apply counter-measures that will reduce the occurrence of drug trafficking and related illicit activities;
 - (ii) instituting measures to avert the diversion of controlled chemical substance, precursors, pre-precursors and post-precursors from illicit drug activities;

- (iii) adopting or strengthening comprehensive and balanced programmes aimed at preventing and reducing drug trafficking, in accordance with the territorial realities of Antigua and Barbuda and respecting human rights;
 - (iv) adopting or strengthening control measures to prevent diversion of controlled chemical substances illicit activities;
 - (v) adopting or strengthening control measures to prevent the diversion of pharmaceutical products containing precursor substances or those containing narcotic drugs or psychotropic substances towards illicit activities;
 - (vi) strengthening national measures to address the challenge of new psychotropic substances and the threat of amphetamine stimulants;
 - (vii) strengthening national information gathering systems and mechanisms for exchanging intelligence information to detect routes and methods used by criminal drug trafficking organizations;
- (e) Institutional Strengthening, which is a task where a Technical Working Group is responsible for—
- (i) improving implementation and coordination of the National Anti-Drug Strategy by utilizing available media outlets;
 - (ii) strengthening technical and human resource capacities of stakeholders to deliver on their mandates;
 - (iii) promoting the improvement of performance of agencies undertaking activities within the National Anti-Drug Strategy;
 - (iv) promoting an evidence-based approach towards the development of policy and programme formulation within national agencies;
 - (v) promoting national compliance with international obligations;
 - (vi) instituting operational plans to facilitate the achievement of the goals of the National Anti-Drug Strategy;
 - (vi) instituting a performance management framework for the National Anti-Drug Strategy; and
 - (vii) developing the technical capacity to design and conduct drug control programmes.

Passed by the House of Representatives on
the 21st February, 2019.

Passed by the Senate on the 5th
March, 2019.

Gerald Watt, Q.C.,
Speaker

Alicia Williams-Grant,
President

A. Peters
Clerk to the House of Representatives (Ag.)

A. Peters
Clerk to the Senate (Ag.)