



**MINISTERIAL STATEMENT
To the Senate**

By

**Senator the Hon. Kathy Lynn Simmons, JP
Attorney-General and Minister of Legal Affairs**

Regulated Cannabis Regime – Public Consultation Update

Wednesday, 22nd July 2020

Madame President, I am pleased to update this Honourable Chamber on the progress being made with advancing Government’s proposal for a local regulated Cannabis regime. Proposing reforms to Bermuda’s Cannabis laws has been a turbulent undertaking, as the policy has been tempered, and modulated by hardy public opinion. Senators, and the public at large, will recall that a Medicinal Cannabis regime had initially been proposed. However, resounding public opinion indicated that that Medicinal Cannabis plan did not go far enough to meet public expectation. Remarkably, public opinion called for a more liberalised approach to Cannabis under a regulated regime.

Madame President, a public consultation exercise on the Government’s latest proposals for a ‘Regulated Cannabis Regime’ ran between 3rd June and 3rd July 2020. The public was asked to share comments and feedback on an illustrative draft Bill and a policy document which were posted online on the Bermuda Citizen’s Forum.

Madame President, I am delighted to give an overview of the consultation exercise and provide brief details of some of the emerging themes.

First of all, I wish to wholeheartedly thank those members of the public who, in the chaotic uncertainty of this moment in history, amidst all of their individual sacrifices, took time out to respond to the consultation questions. I believe it is testament to a growing consensus for

meaningful and transformative change in society by tackling latent and tangible social injustices.

I can report there were a total of 538 comments posted on the forum. 134 unique users posted comments. Having reviewed some of the comments, I was captivated by the microcosm community which emerged on the forum. I observed commenters respectfully sharing information and ideas with each other, even working out disagreements. Some commenters were prolific with their responses; 18 people made over 6 comments to the forum. The top two contributors, made 62 and 85 comments each. Another notable statistic is that only 14% of those commenting used a pseudonym. That means that 86% of people responding did not hide behind a cloak of secrecy. This is testament to the public sincerity and resolve to actively participate in Government policy formation on this issue.

Madame President, the consultation team also received twenty-eight (28) direct email submissions from individuals, public and civil society organisations and interested parties. Contributors offered detailed proposals and critiques from their vantage point based around expressed needs or particular interests. The breadth of representation included views from Cannabis advocates, international cannabis consultants and businesses, agencies representing children, educators, bankers, health professionals, employers' groups, former law-enforcement officers and Christians. We also received intra-government feedback on the Bill.

Madame President, a comprehensive media and public information campaign ran in combination with the forum to engage the entire electorate and drive attention to the consultation questions. Public outreach included press releases, television and radio interviews, social media interviews and live sessions on Bermemes and Facebook Live. Social media advertisements, banners and reminders featured on all of Bermuda Government's social media sites and across other digital media. An Op-Ed article describing the merits of a regulated Cannabis regime was also published across all local news media outlets. Bermuda has certainly been abuzz with chatter about all things Cannabis.

Madame President, by-and-large, the contributions can generally be described as supporting the initiative. Most contributors gave views and insights into particular provisions or spoke generally about their individual opinions for or against the different policy options being pursued. There were less than a handful of persons wholly against a regulated Cannabis regime as proposed. Most opposing attitudes offered explanation and suggestions. Certainly, all contributions were constructive, thoughtful and value-added.

During the consultation period, the Government announced real-time policy changes in response to overwhelming public demands. Cabinet considered a new licence category permitting limited personal cultivation; removal of geographic restrictions prohibiting licensed activities within a half-mile of a school or place of worship; and clarification that Cannabis purchased from a licensed retail shop will be able to be consumed within the retail shop or at the purchaser's private residence.

Madame President, the comments, suggestions and feedback are being analyzed to assess if there are any emergent policy recommendations requiring Cabinet's approval. The resultant policy changes will be incorporated into the Bill that is tabled in the Legislature. A sampling of some of the high-level topics being reviewed include:

- improvements to the specifics of the newly proposed personal cultivation licence, including the prescribed limit on the number of Cannabis plants permitted per person/per household;
- formalising a special programme so that a portion of Cannabis licences will benefit disadvantaged groups, by engaging section 6A of the Human Rights Act 1981;
- advancing the Criminal Code Act 1907 amendments to expunge criminal records for cannabis possession convictions of 7 grams or less;
- reconsidering offences and penalties to do away with non-custodial sentences, where appropriate; and
- re-examining the prescribed licence fees to strike the right balance between costs across the spectrum of licences available and to achieve the best participation for under-represented or marginalised groups.

As I close, **Madame President**, I am inspired by the community engagement and mobilisation in response to the Cannabis project. The public's involvement has been at the heart of the Government's social justice reforms. Anyone who raised an issue that is not featured should not dismay; all relevant submissions are being considered. Sensibly, not all issues raised require further action at this time. This is because the subject matter may have already been resolved, an existing law already addresses the point, or the topic is earmarked to be tackled after the Bill is enacted under the Minister's powers in consultation with the Cannabis Advisory Authority.

Again, thanks for stepping forward Bermuda. Your input helps improve the quality of the overall policy outcome and the future success of the regulated Cannabis regime. I look forward to tabling a refined Bill package in the Legislature shortly.

Thank you, **Madame President**.