



GOVERNMENT HOUSE BERMUDA

THE BERMUDA CANNABIS LICENSING BILL 2022

There has been much discussion about reforming cannabis laws. There have also been some misunderstandings. So I wanted to try and clarify what is happening.

The Bermuda Cannabis Licensing Bill 2022 was re-introduced to the House of Assembly on 25 March 2022 where it passed with 18 votes in favour and 6 against. It went for its Second Reading in the Senate on 30 March 2022, with votes tied and as such was rejected by the Senate for a second time. However, in line with the process set out in the Bermuda Constitution Order 1968, the Bill has now been presented to me for Royal Assent.

Any Governor receiving a bill for assent must follow the process set out in The Bermuda Constitution. This requires the Governor to consider, amongst other things, whether the Bill, as written, is consistent with or would breach any international obligation should it be made into law.

In terms of cannabis reform, the key international obligations are set out in United Nations Conventions (the 1961 Single Convention on Narcotic Drugs, and the 1971 Convention on Psychotropic Substances). The Conventions permit legalisation of cannabis and cannabis products for medicinal and scientific purposes, and for certain industrial purposes, as long as appropriate regulatory oversight is put in place. The legalisation of cannabis for other purposes is not permitted under the Conventions. It is possible to decriminalise the possession of limited amounts of cannabis for personal use, but that is not the same as making cannabis legal, for example, for sale in shops and cafes.

The Bill presented to me legalises cannabis for other purposes. So, it appears to me that the Bill is inconsistent with what I understand to be obligations that the UK and Bermuda have under the Conventions and assenting to the Bill would lead to a breach of those obligations. I therefore have no choice but to reserve Assent of the Bill under Section 35 (2) of Constitution and to notify the Secretary of State for Foreign, Commonwealth and Development Affairs.

The UK has supported and is currently assisting some of the Crown Dependencies and other Overseas Territories to develop policy and legislation in a way which is compliant with the relevant Conventions.

I hope that Bermudian officials will work together with UK officials to find a way forward – one that does not result in life changing criminal records for users of small amounts of cannabis and unlocks commercial opportunities, whilst maintaining Bermuda's excellent reputation for upholding the rule of law.

Her Excellency Ms Rena Lalgie
Governor and Commander-in-Chief of Bermuda

12 May 2022