

Assented to in His Majesty's name and on his Majesty's behalf this 25th day of January 2023.

L.S.

Gregory Gibson
Governor's Deputy



**ST HELENA
NO 1 OF 2023**

Enacted 25 January 2023
Date of Commencement..... As provided by section 1
Published in the Gazette.....25 January 2023

AN ORDINANCE

to amend the Drugs (Prevention of Misuse) Ordinance, 2003, to revise a definition and to further regulate the provisions relating to authorisation of otherwise unlawful activities and for incidental and connected purposes.

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

Short title, commencement and interpretation

1. (1) This Ordinance may be cited as the Drugs (Prevention of Misuse) (Amendment) Ordinance, 2023, and comes into force on a date or dates fixed by the Governor by Order.
- (2) An Order under subsection (1) may—
 - (a) appoint different dates for different provisions or for different purposes of the same provision; and
 - (b) contain such transitional or consequential provisions as appear to the Governor to be necessary or convenient.

HA2 No. 1 Drugs (Prevention of Misuse) (Amendment) Ordinance, 2023

- (3) In this Ordinance, “the principal Ordinance” means the Drugs (Prevention of Misuse) Ordinance, 2003.

Amendment of section 2 - interpretation

2. Section 2 of the principal Ordinance is amended—
- (a) by repealing the definition of the word “cannabis” and substituting the following: “**“cannabis”** (except in the expression ‘cannabis resin’) includes any plant of the genus cannabis and any part of any such plant (by whatever name called) except that it does not include cannabis resin, or any of the following products after separation from the rest of the plant, namely—
- (a) mature stalk of any such plant; or
 - (b) fibre produced from the mature stalk of any such plant;”;
- (b) by inserting in the appropriate alphabetical sequence the following definitions—
- “**“exempt product”** means a personal care product or any food or drink product consisting of one or more component parts, any of which contains the controlled drug tetrahydrocannabinol, where—
- (a) the product is not designed for administration of tetrahydrocannabinol to a human being or animal;
 - (b) the tetrahydrocannabinol in any component part is packaged in such a form, or in combination with other active or inert substances in such a manner that it cannot be recovered by readily applicable means or in a yield which constitutes a risk to health;
 - (c) the product or preparation does not contain more than 0.2 per cent of tetrahydrocannabinol per volume; and
 - (d) the preparation or other product does not contain any other controlled drug;
- “**“personal care product”** means any substance or mixture intended to be applied to any external part of the human body for purposes of well-being or for cleansing, protecting, maintaining or improving the appearance thereof;”.

Amendment of section 5 - restriction on importation and exportation of controlled drugs

3. Section 5 of the principal Ordinance is amended by inserting subsection (1) the following subsection—

“(1A) Subsection (1) does not apply in respect of a person, who imports an exempt product for the purpose of selling the exempt product in St Helena, provided that the exempt product imported is manufactured and packaged in the United Kingdom or European Union.”.

Amendment of section 7 - restriction on production and supply of controlled drugs

4. Section 7(1)(b) of the principal Ordinance is amended by repealing the words “to another” and substituting the words “to another person unless the person is selling or offering for sale an exempt product specified in section 5(1A).”.

Amendment of section 8 - restriction of possession of controlled drugs

5. Section 8(1) of the principal Ordinance is amended by inserting after the word “possession” the words “unless the person has in the person’s possession an exempt product acquired from a person specified in section 7(1)(b).”.

Insertion of section 8A - exemption from restrictions on importation, supply or possession and section 8B - prohibition in respect of supply

6. The principal Ordinance is amended by inserting after section 8 the following sections—

“Requirement in respect of importation, sale or offer for sale

8A. (1) An exempt product being imported, sold or offered for sale must be in the original packaging and must be clearly labelled with the contents in English.

(2) A person who imports, sells or offers for sale an exempt product contrary to subsection (1) commits an offence.

Penalty: A fine of £500.

Prohibition in respect of sale

8B. (1) A person must not sell or offer for sale any exempt product consisting of a food or drink product to a person who is under the age of 18 years.

(2) A person who sells or offers for sale an exempt product consisting of a food or drink product to a person who is under the age of 18 years commits an offence.

Penalty: A fine of £500.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

This Ordinance would amend the Drugs (Prevention of Misuse) Ordinance, 2003, to remove from the definition of “cannabis” the mature stalks of the plant and fibre produced from such mature stalks, amend section 5, 7 and 8 to make provision for an exemption from the restrictions on importation, supply and possession of personal care, wellness and food and drink products containing the controlled drug tetrahydrocannabinol, subject to the prescribed conditions.