DRUG ABUSE (PREVENTION AND CONTROL) ACT

CHAPTER 84A

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CHAPTER 84A

DRUG ABUSE (PREVENTION AND CONTROL) ACT

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CHAPTER 84A
DRUG ABUSE (PREVENTION AND CONTROL) ACT

An Act to make new provisions with respect to the control of narcotic drugs, psychotropic substances and other substances known to be used in the manufacture of narcotic drugs and psychotropic substances; to create new offences with respect to drug trafficking, and for purposes connected therewith.

[Act No. 7 of 1992.]

[15th April, 1992.]
PART I
Preliminary

Short title

1. This Act may be cited as the Drug Abuse (Prevention and Control) Act.

Interpretation

2. (1) In this Act—

“benefit” includes any property, service or advantage, whether direct or indirect, and “to benefit” has a corresponding meaning;

“cannabis” means any plant of the genus Cannabis from which the resin has not been separated and includes any part of the plant by whatever name it may be designated;

“cannabis resin” means the separated resin, whether crude or purified, obtained from any plant of the genus Cannabis;

“child” means a person under the age of fourteen years;

“coca leaf” means the leaf of any plant of the genus Erythroxylon from whose leaves cocaine can be extracted either directly or by chemical transformation;

“coca plant” means any plant of the genus Erythroxylon from which cocaine can be extracted;

“Committee” means the Advisory Committee established under this Act;

“Comptroller” means the Comptroller of Customs;

“controlled drug” has the meaning assigned by section 3;

“Convention” means a convention mentioned in the Sixth Schedule, and any convention or final protocol amending, supplementing or in substitution for the same;

“conveyance” includes any means of transport by which goods may be brought into or taken from Grenada;

“corresponding law” has the meaning assigned by section 50;

“dentist” means a person registered in the dentists’ register under the Medical Practitioners and Dentists Registration Act, Chapter 189;

“diversion certificate” means a certificate issued by a competent authority of a country through which a controlled drug passes in transit authorising the diversion of that drug to a country other than that specified as the country of ultimate destination in the export authorisation and containing all the particulars required to be included in the export authorisation together with the name of the country from which the drug was originally exported;
“doctor” means a person registered in the medical register under the Medical Practitioners and Dentists Registration Act, Chapter 189;

“Drug trafficking”, “traffic” and “trafficking” have the meaning assigned by section 18(1);

“export” means to take or to cause to be taken out of Grenada by air or water;

“export authorisation” means an authorisation issued by a competent authority in a country from which a controlled drug is exported containing full particulars of that drug and the quantity authorised to be exported together with the names and addresses of the exporter and the person to whom it is to be sent and stating the country to which and the period within which it is to be exported;

“import” means to bring or cause to be brought into Grenada by air or water;

“in transit” means taken or sent from any country and brought into Grenada by sea or air (whether or not landed or trans-shipped in Grenada) for the sole purpose of being carried to another country either by the same or another conveyance;

“listed substance” means a substance listed in Part III of the First Schedule which is used in the manufacture of certain controlled drugs whether as a solvent, reagent or catalyst and is critical to the creation of certain controlled drugs;

“Minister” means the Minister responsible for health;

“narcotic drug” means any substance listed in Part I of the First Schedule or anything that contains any narcotic drug;

“opium poppy” means a plant of the species *Papaver somniferum* L or the species *Papaver Setigerum* D.C and any plant from which morphine may be produced;

“pharmacist” and “pharmacy” have the same meaning as in the Pharmacy Act, Chapter 241;

“practitioner”, except when preceded by the word “dental”, “medical” or “veterinary”, means a dentist, doctor or veterinary practitioner;

“prepared opium” means opium prepared for smoking and includes dross and any other residues remaining after opium is smoked;

“prescribed” means prescribed by regulations made by the Minister under this Act;

“proceeds”, in relation to an act or activity, means property obtained directly from that act or activity;

“produce” where the reference is to producing a controlled drug, means producing it by manufacture, cultivation or any other method and “production” has a corresponding meaning;

“Psychotropic substance” means any substance listed in Part II of the First Schedule or anything that contains any psychotropic substance;
“removal licence” means a licence granted by the Minister under section 15;
“supplying” includes distributing;
“trafficable quantity” means the quantity of controlled drug listed in column 2 of
the Second Schedule or any quantity in excess thereof;
“veterinary practitioner” means a person registered in the veterinary surgeons’
register under the Medical Practitioners and Dentists Registration Act, Chapter 189;
“young person” means a person who is fourteen years of age or upwards and under
the age of eighteen years.

(2) References in this Act to misusing a drug are references to using it otherwise than
as authorised by or under this Act by taking it; and the reference to the taking of a drug is
a reference to the taking of it by a human being by smoking, inhaling, ingesting or inject-
ing it or any other form of self administration, whether or not involving assistance by
another.

(3) For the purposes of this Act, the things which a person has in his or her posses-
sion shall be taken to include any thing subject to his or her control which is in the cus-
tody of another.

(4) A controlled drug shall be treated for the purposes of this Act as intended for sup-
ply notwithstanding that, before it is supplied—
(a) it is to be, or is being or may be mixed with another controlled drug or
some other substance; or
(b) it is or may undergo a process of production or is undergoing such a process.

PART II

Controlled and Restricted Drugs

Meaning of expression “controlled drugs”

3. (1) In this Act, the expression “controlled drug” means—
(a) any narcotic drug for the time being listed in Part I of the First Schedule;
(b) any psychotropic substance for the time being listed in Part II of the First
Schedule; or
(c) any listed substance for the time being listed in Part III of the First Schedule,
and the provisions of Part IV of that Schedule shall have effect with respect to the mean-
ing of expressions used in that Schedule.

(2) The Minister may, by Order, make such amendments to the First Schedule as may
be requisite for the purpose of adding any drug, substance or product to, or removing any
drug, substance or product from any of Parts I to III of that Schedule.

(3) The Minister shall not make any order under this section except after consultation
with the Committee.

(4) An order made in pursuance of this section shall be subject to affirmative resolution.
Advisory Committee on the Misuse of Drugs

3A. (1) There shall be constituted in accordance with the Third Schedule an Advisory Committee on the Misuse of Drugs (in this Act referred to as the “Committee”), and the supplementary provisions contained in that Schedule shall have effect in relation to the Committee.

(2) It shall be the duty of the Committee to keep under review the situation in Grenada with respect to drugs which are being or appear to them likely to be misused and of which the misuse is having or appears to them capable of having harmful effects sufficient to constitute a social problem, and to give to the Minister advice on measures (whether or not involving alteration of this Act) which in the opinion of the Committee ought to be taken for preventing the misuse of such drugs or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Committee, ought to be taken—

(a) for restricting the availability of such drugs or supervising the arrangements for their supply;

(b) for enabling persons affected by the misuse of such drugs to obtain proper advice, and for securing the provision of proper facilities and services, for the treatment, rehabilitation and after-care of such persons;

(c) for promoting co-operation between various professional and community services which in the opinion of the Committee have a part to play in dealing with any social problems connected with the misuse of such drugs;

(d) for educating the public (and in particular the young) in the dangers of misusing such drugs, and for giving publicity to those dangers; and

(e) for promoting research into, or otherwise obtaining information about, any matter which in the opinion of the Committee has relevance for the purpose of preventing the misuse of such drugs or dealing with any social problems connected with their misuse.

(3) It shall be the duty of the Committee to consider any matter relating to drug dependence or the misuse of drugs which may be referred to them by the Minister and to advise the Minister thereon.

Importation and exportation of controlled drugs

4. (1) Subject to subsection (2), it shall not be lawful for a person to—

(a) import a controlled drug; or

(b) export a controlled drug.

(2) Subsection (1) does not apply—

(a) to the importation or exportation of a controlled drug which is for the time being excepted from paragraph (a) or, as the case may be, paragraph (b) of subsection (1) by regulations made under section 12; or
(b) to the importation or exportation of a controlled drug under and in accordance with the terms of an authorisation granted by the Minister and in compliance with any conditions attached thereto; or

(c) to the importation or exportation of a controlled drug which is in transit.

(3) Subject to section 39, it is an offence for a person to import or export a controlled drug in contravention of subsection (1).

**Production and supply of controlled drugs**

5. (1) Subject to any regulations made under section 12, it shall not be lawful for a person—

(a) to produce a controlled drug; or

(b) to supply or offer to supply a controlled drug to another person.

(2) Subject to section 39, it is an offence for a person—

(a) to produce a controlled drug in contravention of subsection (1); or

(b) to be concerned in the production of such a drug by another person in contravention of subsection (1).

(3) Subject to section 39, it is an offence for a person—

(a) to supply or offer to supply a controlled drug to another person in contravention of subsection (1); or

(b) to be concerned in the supplying of such a drug to another person in contravention of subsection (1); or

(c) to be concerned in the making to another person of an offer to supply such a drug in contravention of subsection (1).

**Possession of controlled drugs**

6. (1) Subject to any regulations made under section 12, it shall not be lawful for a person to have a controlled drug in his or her possession.

(2) Subject to section 39, it is an offence for a person to have a controlled drug in his or her possession in contravention of subsection (1).

(3) Subject to section 39, it is an offence for a person to have a controlled drug in his or her possession, whether lawfully or not, which is intended, whether by him, her or some other person, for supply in contravention of section 5(1).

(4) Subject to subsection (1), a person found in possession of a trafficable quantity of a controlled drug shall be deemed to be in possession of such controlled drug for the purpose of supplying it to another person in contravention of section 5(1) unless the contrary is proved, the burden of proof being on the accused.

**Handling of controlled drugs**

7. (1) A person commits an offence if he or she knowingly handles a controlled drug which is intended, whether by him or her or some other person, for supply in contravention of section 5(1).
(2) A person handles a controlled drug for the purposes of this section if—
   
   (a) he or she is in any way concerned in carrying, removing, harbouring, keeping or concealing the controlled drug or anything containing the controlled drug; or
   
   (b) he or she deals in any manner with the controlled drug.

Misuse of controlled drugs

8. (1) It shall not be lawful for a person to misuse a controlled drug.

   (2) Subject to section 39, it is an offence for a person to misuse a controlled drug in contravention of subsection (1).

Possession of pipes, equipment, etc.

9. (1) It shall not be lawful for any person to have in his or her possession any pipe, equipment or apparatus fit and intended for use in connection with the misuse of a controlled drug or the preparation of any such drug for misuse.

   (2) Subject to section 39, it is an offence for a person to have in his or her possession a pipe, equipment or apparatus in contravention of subsection (1).

Acts preparatory to the importation, supply, etc., of controlled drugs

10. (1) It shall not be lawful for any person to do any act preparatory to the commission of an offence under section 4(3) or 5(3).

   (2) Subject to section 39, it is an offence for a person to do an act preparatory to the commission of an offence under section 4(3) or 5(3).

Cultivation of Cannabis and coca plant

11. (1) Subject to any regulations made under section 12, it shall not be lawful for a person to cultivate any plant of the genus Cannabis, any coca plant or opium poppy.

   (2) Subject to section 39, it is an offence to cultivate any such plant referred to in subsection (1) in contravention of that subsection.

Authorisation of activities otherwise unlawful under foregoing provisions

12. (1) The Minister may by regulations—
   
   (a) except from section 4(1)(a) or (b), 5(1)(a) or (b) or 6(1) such controlled drugs as may be specified in the regulations; and
   
   (b) make such other provisions as he or she thinks fit for the purpose of making it lawful for persons to do things which under any of the following provisions of this Act, that is to say, sections 5(1), 6(1) and 11(1), it would otherwise be unlawful for them to do.
(2) Without prejudice to the generality of subsection (1)(b), regulations made under that subsection authorising the doing of any such thing as is mentioned in that paragraph may in particular provide for the doing of that thing to be lawful—

(a) if it is done under and in accordance with the terms of a licence or other authority issued by the Minister and in compliance with any conditions attached thereto; or

(b) if it is done in compliance with such conditions as may be prescribed.

(3) Subject to subsection (4), the Minister shall so exercise his or her power to make regulations under subsection (1) as to secure—

(a) that it is not unlawful under section 5(1) for a practitioner, acting in his or her capacity as such, to prescribe, administer, manufacture, compound or supply a controlled drug, or for a pharmacist, acting in his or her capacity as such, to manufacture, compound or supply a controlled drug; and

(b) that it is not unlawful under section 6(1) for a practitioner or pharmacist to have a controlled drug in his or her possession for the purpose of acting in his or her capacity as such.

(4) If in the case of any controlled drug the Minister is of the opinion that it is in the public interest—

(a) for production, supply and possession of that drug to be either wholly unlawful or unlawful except for purposes of research or other special purposes; or

(b) for it to be unlawful for practitioners or pharmacists to do in relation to that drug any of the things mentioned in subsection (3) except under a licence or other authority issued by the Minister,

he or she may by order designate that drug as a drug to which this subsection applies; and while there is in force an order under this subsection designating a controlled drug as one to which this subsection applies, subsection (3) shall not apply as regards that drug.

(5) An order made under subsection (4) shall be subject to negative resolution.

(6) The Minister shall not make any order under subsection (4) except after consultation with or on the recommendation of the Committee.

(7) References in this section to a person’s “doing” things include references to having things in his or her possession.

Occupiers, etc., of premises, etc., to be punishable for permitting certain activities to take place there

13. (1) A person is guilty of an offence if, being the owner, occupier or person in charge of or concerned in the management of any premises or place, he or she knowingly permits or suffers any of the following activities to take place on those premises or at that place, that is to say—

(a) producing or attempting to produce a controlled drug in contravention of section 5(1);
(b) supplying or attempting to supply a controlled drug to another in contravention of section 5(1) or offering to supply a controlled drug to another in contravention of section 5(1);

(c) handling a controlled drug in contravention of section 7(1);

(d) misusing any controlled drug or preparing any such drug for misuse.

(2) In this section “premises” includes a vessel, aircraft, vehicle, building, structure and enclosure, whether movable or not.

PART III

Controlled Drugs in Transit

14. (1) No controlled drug may be brought into Grenada in transit—

(a) unless in the course of transit from a country from which it may lawfully be exported to another country into which it may lawfully be imported; and

(b) except where it comes from a country not a party to a Convention, it is accompanied by a valid and subsisting export authorisation or diversion certificate, as the case may be.

(2) Where a controlled drug in transit is accompanied by an export authorisation or diversion certificate and the Comptroller has reasonable grounds for believing that the authorisation or certificate is false or has been obtained by fraud or wilful misrepresentation of a material particular, he or she may seize that drug and detain it until he or she is satisfied that the authorisation or certificate is valid or has not been obtained by fraud or misrepresentation of a material particular.

(3) Where a controlled drug in transit is not accompanied by an export authorisation or diversion certificate because it comes from a country not a party to a Convention, and the Comptroller has reasonable grounds for believing that that drug is being conveyed in an unlawful manner or for an unlawful purpose or is in the course of transit for the purpose of being imported into another country contrary to the laws of that country, he or she may seize and detain that drug.

(4) Where a controlled drug brought into Grenada in transit is landed or transhipped in Grenada, it shall remain under the control of the Comptroller and shall be moved only under the authority and in accordance with the conditions of a removal licence.

(5) Nothing in this section applies to a controlled drug in transit by post or in transit by air if the aircraft passes over Grenada without landing or to such quantities of controlled drugs as may bona fide reasonably form part of the medical stores of any ship or aircraft.

(6) A person who contravenes any of the provisions of subsection (1) is guilty of an offence under this Act.
Removal licences

15. (1) No person may—

(a) remove a controlled drug from the conveyance by which it is brought into Grenada in transit; or

(b) in any way move a controlled drug in Grenada at any time after it is removed from the conveyance by which it was brought into Grenada in transit, except under the authority of a licence in the prescribed form granted by the Minister.

(2) The Minister shall not issue a removal licence unless there is produced to him or her a valid and subsisting export authorisation or diversion certificate relating to the controlled drug in respect of which the removal licence is sought.

(3) Subsection (2) does not apply where the drug in respect of which a removal licence is sought comes from a country not a party to a Convention.

(4) This section does not apply to controlled drugs in transit by post.

(5) A person who contravenes any of the provisions of subsection (1) is guilty of an offence under this Act.

Tampering with controlled drugs in transit

16. A person who—

(a) causes any controlled drug in transit to be subjected to any process which would alter its nature; or

(b) willfully opens or breaks any package containing a controlled drug in transit without the instructions or otherwise than in accordance with the directions of the Minister,

is guilty of an offence under this Act.

Diversion of controlled drugs

17. (1) No person may, except under the authority of a diversion certificate in the prescribed form issued by the Minister, cause or procure any controlled drug brought into Grenada in transit to be diverted to any destination other than that to which it was originally consigned.

(2) In the case of a controlled drug in transit accompanied by an export authorisation or diversion certificate issued by a competent authority in a country outside Grenada, the country stated in that authorisation or certificate to be the country of destination shall be deemed to be the country of original destination of that drug.

(3) The Minister may not issue a diversion certificate under subsection (1) unless there is produced to him or her a valid and subsisting import certificate issued by the competent authority in the country to which it is proposed to divert the drug or, if that country is not a party to a Convention, he or she is satisfied that the drug is to be sent in a lawful manner and for a proper purpose.
(4) A diversion certificate shall be issued in duplicate; one copy thereof shall accompany the controlled drug when it is exported from Grenada and the other copy shall be sent by or on behalf of the Minister direct to the proper authority in the country to which the drug is diverted.

(5) Upon the issue of a diversion certificate, the export authorisation or diversion certificate, if any, accompanying the controlled drug on its arrival in Grenada shall be detained by the Minister and returned to the authority issuing it together with a notification of the name of the country to which the drug is diverted.

(6) A person who contravenes any of the provisions of subsection (1) is guilty of an offence under this Act.

PART IV
Drug Trafficking and Related Offences

Drug trafficking

18. (1) For the purposes of this Act, the expression “traffic”, “trafficking” or “drug trafficking”, in relation to a controlled drug, means doing or being concerned, whether in Grenada or elsewhere, in any of the following—

(a) importing or exporting a trafficable quantity of any controlled drug where importation or exportation contravenes section 4(1) or a corresponding law;

(b) supplying a trafficable quantity of any controlled drug where supply contravenes section 5(1) or a corresponding law;

(c) possessing a trafficable quantity of any controlled drug where possession of the drug contravenes section 6(1) or a corresponding law,

and includes a person doing the following, whether in Grenada or elsewhere, that is—

(d) organising, managing or financing any of the activities listed in (a) to (c) above;

(e) entering into or being otherwise concerned in an arrangement whereby—

(i) the retention or control by or on behalf of another person of the other person’s proceeds of drug trafficking is facilitated, or

(ii) the proceeds of drug trafficking by another person are used to secure that funds are placed at the other person’s disposal or are used for the other person’s benefit to acquire property by way of investment.

(2) Save under and in accordance with this Act or any regulations made under section 12, no person shall, on his or her own behalf or on behalf of any other person, whether or not such other person is in Grenada—

(a) traffic in a controlled drug;

(b) offer to traffic in a controlled drug or in a substance he or she believes to be a controlled drug;

(c) do or offer to do an act preparatory to or for the purpose of trafficking in a controlled drug or in a substance he or she believes to be a controlled drug.
(3) Subsection (2) shall apply whether or not the controlled drug is in Grenada or is to be imported into Grenada or is ascertained or is in existence.

(4) Any person who contravenes any of the provisions of subsection (2) is guilty of an offence under this Act.

Assisting another to retain the benefit of drug trafficking

19. (1) Subject to subsection (2), if a person enters into or is otherwise concerned in an arrangement whereby—

(a) the retention of control by or on behalf of another (“X”) of X’s benefits of drug trafficking is facilitated (whether by concealment, removal from the jurisdiction, transfer to nominees or otherwise); or

(b) X’s benefits of drug trafficking—
   (i) are used to secure that funds are placed at X’s disposal, or
   (ii) are used for X’s benefit to acquire property by way of investment, knowing or suspecting that X is a person who carries on or has carried on drug trafficking, that person is guilty of an indictable offence under this Act.

(2) Where a person disclosed to a member of the Police Force a suspicion or belief that any funds or investments are derived from or used in connection with drug trafficking or any matter on which such a suspicion or belief is based—

(a) the disclosure is not a breach of any restriction upon the disclosure of information imposed by contract;

(b) if he or she does any act in contravention of subsection (1) and the disclosure relates to the arrangements concerned, he or she does not commit an offence against this section if the disclosure is made in accordance with this paragraph, that is to say—
   (i) it is made before he or she does the act concerned, being an act done with the consent of the member of the Police Force, or
   (ii) it is made after he or she does the act, but is made on his or her own initiative and as soon as it is reasonable for him or her to make it.

(3) In proceedings against a person for an offence against this section, it is a defence for him or her to prove—

(a) that he or she did not know or suspect that the arrangement related to any person’s benefits of drug trafficking; or

(b) that he or she did not know or suspect or have grounds for suspecting that by the arrangement the retention or control of any property by or on behalf of X was or might be facilitated or, as the case may be, that by the arrangement any property was or might be used as mentioned in subsection (1); or

(c) that—
   (i) he or she intended to disclose to a member of the Police Force such a suspicion, belief or matter as is mentioned in subsection (2) in relation to the arrangement, but
   (ii) there is reasonable excuse for his or her failure to make disclosure in accordance with subsection (2)(b).
Supplying or offering to supply a purported controlled drug

20. (1) No person shall—
   (a) supply any substance represented or held out by him or her to be a controlled drug, but which is not a controlled drug;
   (b) offer to supply any substance represented or held out by him or her to be a controlled drug, but which is not a controlled drug; or
   (c) do or offer to do an act preparatory to the supply of any substance represented or held out by him or her to be a controlled drug, but which is not a controlled drug.

(2) Subsection (1) shall apply whether or not the substance represented or held out to be a controlled drug is in Grenada or is to be imported into Grenada or is ascertained, appropriated or in existence.

(3) Subject to section 39, any person who contravenes any of the provisions of subsection (1) is guilty of an offence under this Act.

(4) No prosecution for an offence under this section shall be instituted without the consent in writing of the Director of Public Prosecutions, but this subsection shall not prevent the arrest or the issue of a warrant for the arrest of a person for any such offence.

PART V

Offences in Respect of Children and Young Persons

Possession of a controlled drug on or near school premises

21. (1) Subject to any regulations under section 12, it shall not be lawful for a person to have a controlled drug in his or her possession in or within a radius of one hundred yards of any school premises.

(2) Subject to section 39, it is an offence for a person to have a controlled drug in his or her possession in contravention of subsection (1).

(3) Subject to section 39, it is an offence for a person to have a controlled drug in his or her possession in or within a radius of one hundred yards of any school premises, which is intended, whether by him or her or some other person, for supply in contravention of section 5(1).

(4) For purposes of subsection (3), a person found in possession of a controlled drug in contravention of subsection (1) is deemed to have the controlled drug for the purpose of supplying same to another unless the contrary is proved; the burden of proof being on the accused.

(5) In this section, “school premises” means any nursery school, primary or secondary school, technical institution, training centre, teachers’ college, community college, university or any other educational institution for children or young persons and includes buildings, playing fields or other premises established or maintained by such institutions for the benefit of its pupils or students whether or not such buildings, playing fields or other premises are within the curtilage of the institution.
Employment, hire or use of children and young persons in drug trade

22. (1) It shall be unlawful for any person to knowingly and intentionally—

(a) employ, hire, use, persuade, induce, entice or coerce a child or young person to contravene any provision of this Act;

(b) employ, hire, use, persuade, induce, entice, or coerce a child or young person to assist in avoiding detection or apprehension for any offence under this Act;

(c) receive a controlled drug from a child or young person in contravention of any provision of this Act.

(2) Subject to section 39, any person who contravenes subsection (1) is guilty of an offence under this Act.

Supply of controlled drug to child or young person

23. Subject to section 39, any person who contravenes section 22(1) by knowingly supplying a controlled drug to a child or young person in contravention of section 5(1) is guilty of an offence under this Act.

PART VI
Powers of Minister for Preventing Misuse of Controlled Drugs

Power to make regulations for preventing misuse of controlled drugs

24. (1) Subject to the provisions of this Act, the Minister may, by regulations, make such provision as appears to him or her necessary or expedient for preventing the misuse of controlled drugs.

(2) Without prejudice to the generality of subsection (1), regulations under this section may in particular make provision—

(a) for regulating the importation of such controlled drugs as may be prescribed and for requiring precautions to be taken for the safe custody of controlled drugs;

(b) for imposing requirements as to the documentation of transactions involving controlled drugs, and for requiring copies of documents relating to such transactions to be furnished to the prescribed authority;

(c) for requiring the keeping of records and the furnishing of information with respect to controlled drugs in such circumstances and in such manner as may be prescribed;

(d) for the inspection of any precautions taken or records kept in pursuance of regulations under this section;

(e) as to the packaging and labelling of controlled drugs;

(f) for regulating the transport of controlled drugs and the methods used for destroying or otherwise disposing of such drugs when no longer required;
(g) for regulating the issue of prescriptions containing controlled drugs and the supply of controlled drugs on prescriptions, and for requiring persons issuing or dispensing prescriptions containing such drugs to furnish to the prescribed authority such information relating to those prescriptions as may be prescribed;

(h) for requiring any doctor who attends a person whom he or she considers, or has reasonable grounds to suspect, is addicted (within the meaning of the regulations) to controlled drugs of any description to furnish to the prescribed authority such particulars with respect to that person as may be prescribed;

(i) for prohibiting any doctor from administering, supplying or authorising the administration or supply to persons so addicted, or from prescribing for such persons, such controlled drugs as may be prescribed, except under and in accordance with the terms of a licence issued by the Minister in pursuance of the regulations.

(3) All records, reports, particulars and other information supplied in pursuance of the provisions of regulations made under this section shall be treated as confidential information by the prescribed authority and shall be used only for prescribed purposes under the direction of the Minister.

Power to direct special precautions for safe custody of controlled drugs to be taken at certain premises

25. (1) Without prejudice to any requirement imposed by regulations made in pursuance of section 24(2)(a), the Minister may by notice in writing served on the occupier of any premises on which controlled drugs are or are proposed to be kept give directions as to the taking of precautions or further precautions for the safe custody of any controlled drugs of a description specified in the notice which are kept on those premises.

(2) It is an offence to contravene any directions given under subsection (1).

Directions prohibiting prescribing, supply, etc., of controlled drugs by practitioners, etc., convicted of certain offences

26. (1) Where a person who is a practitioner or pharmacist has after the coming into operation of this subsection been convicted of an offence under this Act, the Minister may give a direction under subsection (2) in respect of that person.

(2) A direction under this subsection in respect of a person shall—

(a) if that person is a practitioner, be a direction prohibiting him or her from having in his or her possession, prescribing, administering, manufacturing, compounding or supplying or from authorising the administration or supply of such controlled drugs as may be specified in the direction;

(b) if that person is a pharmacist, be a direction prohibiting him or her from having in his or her possession, manufacturing, compounding or supplying or from supervising or controlling the manufacture, compounding or supply of such controlled drugs as may be specified in the direction.
(3) The Minister may at any time give a direction cancelling or suspending any direction given by him or her under subsection (2), or cancelling any direction of his or her under this subsection by which a direction so given is suspended.

(4) The Minister shall cause a copy of any direction given by him or her under this section to be served on the person to whom it applies, and shall cause notice of any such direction to be published in the Gazette.

(5) A direction under this section shall take effect when a copy of it is served on the person to whom it applies.

(6) It is an offence to contravene a direction given under subsection (2).

**Directions prohibiting prescribing, supply, etc., of controlled drugs by practitioners in other cases**

27. (1) In the event of a contravention by a doctor of regulations made in pursuance of section 24(2)(h) or (i), or of the terms of a licence issued under regulations made in pursuance of the said paragraph (i), the Minister may, subject to and in accordance with section 28, give a direction in respect of the doctor concerned prohibiting him or her from prescribing, administering or supplying or from authorising the administration or supply of such controlled drugs as may be specified in the direction.

(2) If the Minister is of the opinion that a practitioner is or has after the coming into operation of this subsection been prescribing, administering or supplying or authorising the administration or supply of any controlled drugs in an irresponsible manner, the Minister may, subject to and in accordance with section 28, give a direction in respect of the practitioner concerned prohibiting him or her from prescribing, administering or supplying or from authorising the administration or supply of such controlled drugs as may be specified in the direction.

(3) A contravention such as is mentioned in subsection (1) does not as such constitute an offence, but it is an offence to contravene a direction given under subsection (1) or (2).

**Investigation where grounds for a direction under section 27 are considered to exist**

28. (1) If the Minister considers that there are grounds for giving a direction under section 27(1) on account of such a contravention by a doctor as is there mentioned, or for giving a direction under subsection (2) of that section on account of such conduct by a practitioner as is mentioned in the said subsection (2), he or she shall refer the case to a tribunal constituted for the purpose in accordance with the following provisions of this Act; and it shall be the duty of the tribunal to consider the case and report on it to the Minister.

(2) In this Act “the respondent”, in relation to a reference under this section, means the doctor or other practitioner in respect of whom the reference is made.

(3) Where—

(a) in the case of a reference relating to the giving of a direction under the said subsection (1), the tribunal finds that there has been no such contravention as aforesaid by the respondent or finds that there has been such a contravention but does not recommend the giving of a direction under that subsection in respect of the respondent; or
(b) in the case of a reference relating to the giving of a direction under the said subsection (2), the tribunal finds that there has been no such conduct as aforesaid by the respondent or finds that there has been such conduct by the respondent but does not recommend the giving of a direction under the said subsection (2) in respect of him or her,

the Minister shall cause notice to that effect to be served on the respondent.

(4) Where the tribunal finds—

(a) in the case of a reference relating to the giving of a direction under the said subsection (1), that there has been such a contravention as aforesaid by the respondent; or

(b) in the case of a reference relating to the giving of a direction under the said subsection (2), that there has been such conduct as aforesaid by the respondent,

and considers that a direction under the subsection in question should be given in respect of him or her, the tribunal shall include in its report a recommendation to that effect indicating the controlled drugs which it considers should be specified in the direction or indicating that the direction should specify all controlled drugs.

(5) Where the tribunal makes such a recommendation as aforesaid, the Minister, after considering the recommendation of the tribunal, may—

(a) give in respect of the respondent a direction under subsection (1) or, as the case may be, section 27(2) specifying all or any of the controlled drugs indicated in the recommendation of the tribunal; or

(b) order that no further proceedings shall be taken in the case.

Provisions supplementary to section 28

29. (1) The provisions of the Fourth Schedule shall have effect with respect to the constitution and procedure of the tribunal appointed for the purposes of section 28, and with respect to the other matters there mentioned.

(2) The Minister shall cause a copy of any order or direction made or given by him or her in pursuance of section 28(5) to be served on the person to whom it applies and shall cause notice of any such direction to be published in the Gazette.

(3) The Minister may at any time give a direction cancelling or suspending any direction given by him or her in pursuance of section 28(5) or cancelling any directions of his or her under this subsection by which a direction so given is suspended and shall cause a copy of any direction of his or her under this subsection to be served on the person to whom it applies and notice of it to be published as aforesaid.

(4) A direction given under section 27(1) or (2) or under subsection (3) shall take effect when a copy of it is served on the person to whom it applies.

Power to obtain information from practitioners, pharmacists, etc., in certain circumstances

30. (1) If it appears to the Minister that there exists a problem caused by the extensive misuse of controlled drugs he or she may by notice in writing served on any practitioner or pharmacist require him or her to furnish to the Minister, with respect to any controlled
drugs specified in the notice and as regards any period so specified, such particulars as
may be so specified relating to the quantities in which and the number and frequency of
the occasions on which those drugs—

(a) in the case of a practitioner, were prescribed, administered or supplied by
him or her; or

(b) in the case of a pharmacist, were supplied by him or her.

(2) A notice under this section may require any such particulars to be furnished in
such a manner and within such time as may be specified in the notice and, if served on a
pharmacist, may require him or her to furnish the names and addresses of practitioners on
whose prescriptions any controlled drugs to which the notice relates were supplied, but shall
not require any person to furnish any particulars relating to the identity of any person for or
to whom any controlled drug has been prescribed, administered or supplied.

(3) A person is guilty of a summary offence if without reasonable excuse (proof of
which shall lie on him or her) he or she fails to comply with any requirement to which he
or she is subject by virtue of subsection (1).

(4) A person is guilty of an offence if in purported compliance with a requirement
imposed under this section he or she gives any information which he or she knows to be
false in a material particular or recklessly gives any information which is so false.

PART VII
Miscellaneous Offences and Powers

Miscellaneous offences

31. (1) It is an offence for a person to contravene any regulations made under this
Act other than regulations made in pursuance of section 24(2)(h) or (i).

(2) It is an offence for a person to contravene a condition or other term of an authori-
sation issued under section 4 or of a licence or other authority issued under regulations
made under this Act, not being a licence issued under regulations made in pursuance of
section 24(2)(i).

(3) A person is guilty of an offence if, in purported compliance with any obligation to
give information to which he or she is subject under or by virtue of regulations made
under this Act, he or she gives any information which he or she knows to be false in a
material particular or recklessly gives any information which is so false.

(4) A person is guilty of an offence if, for the purpose of obtaining, whether for him-
self or herself or another, the issue or renewal of a licence or other authority under this
Act or under any regulations made under this Act, he or she—

(a) makes any statement or gives any information which he or she knows to be
false in a material particular or recklessly gives any information which is so
false; or

(b) produces or otherwise makes use of any book, record or other document
which to his or her knowledge contains any statement or information which
he or she knows to be false in a material particular.
Assisting in or inducing outside Grenada commission of an offence punishable under a corresponding law

32. A person is guilty of an offence if in Grenada he or she assists in or induces the commission in any place outside Grenada of an offence punishable under the provisions of a corresponding law in force in that place.

Offences by corporations

33. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, he or she, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against accordingly.

Further power to make regulations

34. The Minister may, by regulations, make provision—

(a) for excluding in such cases as may be prescribed the application of any provision of this Act which creates an offence;

(b) for applying any of the provisions of sections 28 and 29 and the Fourth Schedule, with such modifications, if any, as may be prescribed—

(i) in relation to any proposal by the Minister to give a direction under section 26(2), or

(ii) for such purposes of regulations under this Act as may be prescribed;

(c) for the application of any of the provisions of this Act or regulations or orders thereunder to servants or agents of the Crown, subject to such exceptions, adaptations and modifications as may be prescribed;

(d) for the establishment, regulation and administration of treatment and rehabilitation centres for the detention, education and treatment of persons addicted to controlled drugs;

(e) generally for the better carrying out of the provisions of this Act and for prescribing anything which is to be or may be prescribed.

PART VIII

Law Enforcement and Punishment of Offences

Powers to search and obtain evidence

35. (1) A member of the Police Force or other person authorised in that behalf by a general or special order of the Minister shall, for the purposes of the execution of this Act, have power to enter the premises of a person carrying on business as a producer or supplier of any controlled drugs and to demand the production of, and to inspect, any books or documents relating to dealings in any such drugs and to inspect any stocks of any such drugs.
(2) If a magistrate or justice of the peace is satisfied on information on oath that there is reasonable ground for suspecting that there is in any place or premises an article liable to seizure, he or she may grant a search warrant authorising any member of the Police Force named in the warrant, at any time within one month from the date of the warrant, to enter, if need be by force, the place or premises named in the warrant and to search the place or premises and to seize and detain anything which appears to the member of the Police Force to be an article liable to seizure.

(3) A person is guilty of an offence if he or she—
   (a) intentionally obstructs a person in the exercise of his or her powers under this section; or
   (b) conceals from a person acting in the exercise of his or her powers under subsection (1) any such books, documents, stocks or drugs as are mentioned in that subsection; or
   (c) without reasonable excuse (proof of which shall lie on him or her) fails to produce any such books or documents as are so mentioned where their production is demanded by a person in the exercise of his or her powers under that subsection.

(4) In this section, “articles liable to seizure” means—
   (a) any controlled drug in respect of which an offence is being or has been committed;
   (b) any money or thing liable to forfeiture under this Act;
   (c) any thing which is or contains evidence of an offence under this Act or a corresponding law.

(5) Any controlled drug in respect of which an offence under this Act is being or has been committed shall, with effect from the seizure thereof, be forfeited to the Crown.

(6) Nothing in this section shall prejudice any power of search or any power to seize or detain property which is exercisable by a member of the Police Force apart from this section. In particular, if a constable has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act or any regulations made hereunder, the constable may without warrant—
   (a) search that person, and detain him or her for the purpose of searching him or her;
   (b) search any vehicle or vessel in which the constable suspects that the drug may be found, and for that purpose require the person in control of the vehicle or vessel to stop it;
   (c) seize and detain, for the purposes of proceedings under this Act, anything found in the course of the search which appears to the constable to be evidence of an offence under this Act.

Powers of arrest

36. (1) A member of the Police Force may arrest without warrant a person who has committed, or whom the member with reasonable cause suspects to have committed, an offence under the Act.

(2) This section shall not prejudice any power of arrest conferred on a member of the Police Force by any other law.
Prosecution and punishment of offences

37. (1) Notwithstanding section 72 of the Criminal Procedure Code, Chapter 72B, a magistrate may try an information or complaint for an offence under this Act, if the information was laid or complaint made at any time within twelve months from the time when the offence was committed.

(2) Where a person is charged with an offence under this Act (not being an offence under section 19 or 30(3)), nothing contained in any other law shall have effect to limit the punishment which may be imposed under this section upon a person who is summarily convicted of that offence.

(3) Except where expressly otherwise provided, the Fifth Schedule shall have effect in accordance with subsection (4) with respect to the way in which offences under this Act are punishable on conviction.

(4) In relation to an offence under a provision of this Act specified in the first column of the Fifth Schedule (the general nature of the offence being described in the second column)—

(a) the third column shows whether the offence is punishable on summary conviction or on indictment or in either way;

(b) the fourth column shows respectively the punishment which may be imposed on a person convicted of the offence in the way specified in relation thereto in the third column (that is to say, summarily or on indictment).

(5) Without prejudice to the provisions of this section, where a person is convicted of an offence under section 5, 6, 7 or 8 and it appears to the court on the evidence of a doctor that he or she is addicted to or dependent upon, or in the opinion of the court, is likely to become addicted to or dependent upon, any controlled drug, the court may, in addition to or in lieu of any sentence which may be imposed in pursuance of the preceding provisions of this section, order him or her to be detained for the purpose of care and treatment for such period, not exceeding six months, as the court may determine in a treatment and rehabilitation centre established by regulations made under section 34, and if, at the termination of such period, the court is satisfied, on the recommendation of a doctor, that the convicted person would benefit from a further period of detention, it may order the convicted person to be detained for the purpose of care and treatment for such further period not exceeding six months as it thinks fit.

(6) For the purposes of any Act relating to appeals, an order made under subsection (5) shall be a sentence imposed by the court.

Punishment for attempts, conspiracy, etc., to commit offences

38. (1) Notwithstanding anything in any other law contained, a person who attempts to commit an offence under this Act or solicits, incites, procures or conspires with another to commit an offence under this Act is guilty of an offence.

(2) An offence under this section shall be punishable on summary conviction, on indictment or in either way according to whether, under the Fifth Schedule, the substantive offence is punishable on summary conviction, on indictment or in either way; and the punishment which may be imposed on a person convicted of an offence under this section is the same as that which, under that Schedule, may be imposed on a person convicted of the substantive offence.
(3) In subsection (2), “the substantive offence” means the offence under this Act to
which the attempt or as the case may be, the solicitation, incitement, procurement or con-
spiracy mentioned in subsection (1) was directed.

(4) For the purposes of subsection (1), a conspiracy may occur where two or more
persons agree to act or act together with a common purpose of committing or abet-
ing an offence against this Act or any regulations made hereunder whether with or without any
previous consent or deliberation.

(5) A person within the jurisdiction of the court may be guilty of conspiracy by
agreeing with another person who is beyond the jurisdiction for the commission or abet-
ment of any offence under this Act or the regulations, to be committed by them or either
of them, or by any other person, either within or beyond the jurisdiction.

(6) For the purpose of subsection (5), in relation to an offence to be committed
beyond the jurisdiction, “offence” means any act which, if done within the jurisdiction,
would be an offence under this Act or the regulations.

Proof of lack of knowledge, etc., to be a defence in proceedings for certain
offences

39. (1) This section applies to offences under any of the following provisions of this
Act, that is to say, sections 4(3), 5(2) and (3), 6(2) and (3), 8(2), 9(2), 10(2), 11(2), 20(3),
21(2) and (3), 22(2) and 23.

(2) Subject to subsection (3), in any procee dings for an offence to which this section
applies it shall be a defence for the accused to prove that he or she neither knew of nor
suspected nor had reason to suspect the existence of some fact alleged by the prosecution
which it is necessary for the prosecution to prove if he or she is to be convicted of the
offence charged.

(3) Where in any proceedings for an offence to which this section applies it is neces-
sary, if the accused is to be convicted of the offence charged, for the prosecution to prove
that some substance or product involved in the alleged offence was the controlled drug
which the prosecution alleges it to have been, and it is proved that the substance or prod-
uct in question was that controlled drug, the accused—

(a) shall not be acquitted of the offence charged by reason only of proving that
he or she neither knew nor suspected nor had reason to suspect that the sub-
stance or product in question was the particular controlled drug alleged; but

(b) shall be acquitted thereof—

(i) if he or she proves that he or she neither believed nor suspected nor
had reason to suspect that the substance or product in question was a
controlled drug, or

(ii) if he or she proves that he or she believed the substance or product in
question to be a controlled drug, or a controlled drug of a descrip-
tion, such that, if it had in fact been that controlled drug or a con-
trolled drug of that description, he or she would not at the material
time have been committing any offence to which this section applies.

(4) Nothing in this section shall prejudice any defence which it is open to a person
charged with an offence to which this section applies to raise apart from this section.
PART IX

Evidence

Certificate of corresponding law

40. A document purporting to be issued by or on behalf of the government of a country and purporting to state the terms of a corresponding law in force in that country shall be admitted in evidence, in proceedings for an offence under this Act before any court, on its production by the prosecution without further proof, and such document shall be conclusive evidence—

(a) that it is issued by or on behalf of the government of that country;
(b) that the terms of such law are as stated in the document;
(c) that any facts stated in the document to constitute an offence under such law, do constitute such offence.

Certificate of authorised analyst admissible in evidence

41. (1) Notwithstanding the provisions of any other law, but subject to subsections (2) and (3), in any proceedings for an offence under this Act, a certificate purporting to be signed by an authorised analyst, stating that he or she has analysed or examined a substance and certifying such substance to be a controlled drug or to contain such proportion of a controlled drug as he or she may so certify, or otherwise stating the result of such analysis or examination, shall, on its production by the prosecution, be admissible in evidence whether or not the authorised analyst signing the certificate appears in court as a witness in such proceedings. When so produced by the prosecution, such a certificate shall, without further proof, and in the absence of evidence to the contrary, be proof of the matters certified therein or the statements contained therein and of the qualifications of the analyst. No evidence shall be required by the court as to the signature or qualifications of the person purporting to have signed the certificate.

(2) No certificate shall be received in evidence on behalf of the prosecution under subsection (1) unless, not less than seven days before the proceedings in court, the prosecution has given to the accused notice of the intention to tender such certificate and a copy of such certificate.

(3) In any proceedings for an offence under this Act, the accused may require that an authorised analyst who signs a certificate referred to in subsection (1) should attend court to be cross-examined, and in that event, adjournments granted for the purpose of enabling the authorised analyst to attend such cross-examination shall not be ground for the dismissal of such proceedings. The costs of the attendance of an authorised analyst under this subsection shall, unless the Judge or Magistrate orders otherwise, be payable by the accused.

(4) Appointment of authorised analyst.—In this Act, “authorised analyst” means a person authorised by the Minister by notice in the Gazette to analyse any substance for the purposes of this Act, power so to authorise such persons being hereby granted to and vested in the Minister:

Provided that the persons mentioned in the Seventh Schedule shall be deemed to be authorised analysts for the purposes of this Act.
Presumptions of possession and knowledge of controlled drugs

42. (1) Without prejudice to any other provisions of this Act—

(a) where it is proved that a person imported anything containing a controlled drug it shall be presumed, until the contrary is proved, that such person knew that such drug was contained in such a thing;

(b) where it is proved that a person had in his or her possession or custody or under his or her control anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such person was in possession of such drug;

(c) where it is proved that a person supplied to any other person anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such first-mentioned person knew that such a drug was contained in such thing;

(d) where it is proved that a person handled, within the meaning of section 7, anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such person knew that such drug was contained in such thing;

(e) where it is proved that a person had in his or her possession or custody or under his or her control—

(i) any document of title relating to anything containing a controlled drug, or

(ii) any other document or written or printed matter including a dock warrant, warehouse warrant or order, baggage receipt or baggage claim, relating to anything containing a controlled drug, it shall be presumed, until the contrary is proved, that such person was in possession of such drug.

(2) The presumptions provided in and by this section shall not be construed as requiring the prosecution to prove any fact which, by virtue of any other provision of this Act, the prosecution does not have to prove.

Presumptions relating to places used for drug misuse

43. (1) Whenever any pipe, equipment or apparatus fit and intended for use in connection with the misuse of a controlled drug is found in any premises or place it shall be presumed, until the contrary is proved, that such premises or place is used for the purpose of misusing a controlled drug therein.

(2) Any person who is in or is found escaping from any premises or place used for the purpose of misusing a controlled drug shall, until the contrary is proved, be presumed to have been misusing a controlled drug therein.
PART X

Miscellaneous and Supplementary Provisions

Application of Customs (Control and Management) Act

44. (1) Subject to any regulations made under section 12, any controlled drugs of which the importation is prohibited or restricted by this Act shall be deemed for the purposes of the Customs Act, No. 35 of 1960, to be goods of which the importation is prohibited or restricted, as the case may be, by section 42 of that Act.

(2) Subject to any regulations made under section 12, any controlled drugs of which the exportation is prohibited or restricted by this Act shall be deemed for the purposes of the Customs Act, No. 35 of 1960, to be goods of which the exportation is prohibited or restricted, as the case may be, by section 43 of that Act.

(3) If any articles prohibited or restricted to be exported by this Act are—
   (a) exported from Grenada in contravention of this Act; or
   (b) brought to a quay, airport or other place to be shipped for the purpose of being exported in contravention of this Act or of being water-borne or air-borne to be so exported,
the exporter or his or her agent is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty thousand dollars or to imprisonment for five years, or to both such fine and imprisonment and the articles are liable to forfeiture.

Service of documents

45. (1) Any notice or other document required or authorised by any provision of this Act to be served on any person may be served—
   (a) by delivering it to the person on whom it is to be served;
   (b) by sending it by prepaid post addressed to that person at his or her usual or last known place of abode; or
   (c) in the case of a body corporate, by delivering it or sending it by prepaid post to the secretary or clerk of that body at its registered office or other place of business.

(2) Service effected by delivery pursuant to subsection (1)(a) or (c) shall have effect as from the time of delivery.

(3) Service effected otherwise than by delivery shall be deemed to have effect three days after the steps taken pursuant to any of the provisions of subsection (1) have been taken, unless and to the extent that the contrary is proved.

Licences and authorities

46. A licence or other authority issued by the Minister for purposes of this Act or of regulations made under this Act may, to any degree, general or specific, be issued on such terms and subject to such conditions (including, in the case of a licence, the payment of a prescribed fee) as the Minister thinks proper, and may be modified or revoked by him or her at any time.
Forfeiture of articles, etc., used in connection with offence

47. (1) Notwithstanding anything in any other Act contained, a court may order to be forfeited to the Crown—

(a) anything, including any premises, any motor vehicle, any ship or any aircraft which has been used in the commission of or in connection with an offence under this Act;

(b) any money or any other thing received or possessed by any person as the result or product of an offence under this Act; or

(c) anything, including any premises, any motor vehicle, any ship, or any aircraft, which the prosecution proves beyond reasonable doubt to have been purchased or otherwise obtained from, through, or as a result of the proceeds of an offence under this Act:

Provided that no order made by a Magistrate under this subsection to forfeit premises, motor vehicles, ships or aircrafts shall be enforced unless affirmed by the High Court on application or appeal by any interested party to have such order affirmed or reversed.

(2) An order under subsection (1) for the forfeiture of a thing may include a term permitting a specified person to redeem such thing on such conditions, including conditions as to the payment of the value or a proportion of the value thereof to the Crown, as the court may think fit.

(3) Following a conviction for an offence under this Act, an order under this section may be made against any person appearing to the court to have an interest in or right over the money or thing to be made the subject of such order even if he or she is not himself or herself convicted of such offence, but no order shall be made under this section unless the court has given to any such person notice that an order may be made and such person is given an opportunity to show cause why the order should not be made.

(4) Where a person has been charged with an offence under this Act, the court may, whether on its own motion or on application by the prosecution, order the seizing and detaining of any such article as is referred to in subsection (1), pending the determination of the charge by the court, if the court is satisfied that failure to make such an interim detention order might result in the disappearance of the article or in justice being obstructed.

(5) Where a person has been convicted by a court of an offence under this Act, and a forfeiture order is made under subsection (1), but the person appeals against such conviction or forfeiture, any article so forfeited shall remain subject to the forfeiture order until the appeal is determined.

General provisions as to regulations

48. (1) Regulations made by the Minister under any provisions of this Act—

(a) may make different provision in relation to different controlled drugs, different classes of persons, different provisions of this Act or other different cases or circumstances; and
(b) may make the opinion, consent or approval of a prescribed authority or of any person authorised in a prescribed manner material for purposes of any provision of the regulations; and

(c) may contain such supplementary, incidental and transitional provisions as appear expedient to the Minister.

(2) Regulations made under this Act shall be subject to affirmative resolution.

Research

49. The Minister may conduct or assist in conducting research into any matter relating to the misuse of dangerous or otherwise harmful drugs.

Meaning of “corresponding law”

50. In this Act the expression “corresponding law” means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside Grenada to be a law providing for the control and regulation in that country of the production, supply, use, export and import of drugs and other substances in accordance with the provisions of any Convention or a law providing for the control and regulation in that country of the production, supply, use, export and import of dangerous or otherwise harmful drugs in pursuance of any treaty, convention or other agreement or arrangement to which the government of that country and the Government of Grenada are for the time being parties.

Repeal of Misuse of Drugs Act

51. As from the coming into operation of this Act, the Misuse of Drugs Act, No. 39 of 1981, shall be repealed.

Transitional provisions

52. Notwithstanding the provisions of any other law, the following transitional provisions shall have effect—

(a) as from the coming into operation of this Act any licence, permission or authorisation granted under the Misuse of Drugs Act (No. 39 of 1981, now repealed) or any regulations made thereunder shall have effect as if it were a licence, permission or authorisation granted for the purposes of this Act;

(b) any register kept in pursuance of the Misuse of Drugs Act (No. 39 of 1981, now repealed) or any regulations made thereunder shall be deemed to be a register kept in pursuance of this Act;

(c) any order, rule or other instrument or document made, issued or operative and any direction given or other thing done under or by virtue of any provision of the Misuse of Drugs Act (No. 39 of 1981, now repealed) shall be deemed to have been made, issued, given or done under the corresponding provision of this Act.
FIRST SCHEDULE

DRUG ABUSE (PREVENTION AND CONTROL) ACT

[Section 3.]

PART I

List of Narcotic Drugs Under Control

1. The following substances and products, namely—

ACETORPHINE (3-0-acetyltetrahydro-7x-(1-hydroxy-1-methylbutyl)-6,14-endoetheno-oriavine).

ACETYL-ALPHA-METHYLFENTANYL (N-[1-[(a-methylphenethyl)-4-piperidyl] acentanilide)

ACETYLDIHYDROCODEINE

ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,4-diphenylethane)

ALFENTANIL (N-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1H-tetrazol-1-yl) ethyl]-4-(metboxymethyl)-4-piperidinyl]-N-phenylpropanamide monohydrochloride)

ALLYLPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)

ALPHACETYLMETHADOL (alpha-3-acetoxy-6-dimethylamino-4,4-diphenylethane)

ALPHAMEPRODINE (alpha-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)

ALPHAMETHADOL (alpha-6-dimethylamino-4,4-diphenyl-3-heptanol)

ALPHA-METHYLFENTANYL (N-[1-[(a-methylphenethyl)-4-piperidyl] propionanilide)

ALPHAPRODINE (alpha-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)

ANILERIDINE (1-para-aminopenhenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)

BENZETHIDINE (1-(2-benzoyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

BENZYLMPHORINE (3-benzylmorphine)

BETACETYLMETHADOL (beta-3-acetoxy-6-dimethylamino-4,4-diphenylethane)

BETAMEPRODINE (beta-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)

BETAMETHADOL (beta-6-dimethylamino-4,4-diphenyl-3-heptanol)

BETAPRODINE (beta-1,3-dimethyl-4-phenyl-4-propionoxypiperidine)

BEZITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolm)-piperidine)

CANNABIS (Indian Hemp) and Cannabis resin (Resin of Indian Hemp)

CLONITAZENE (2,para-chlorobenzyl-1-diehtylaminoethyl-5-nitrobenzimidazole)

COC A LEAF

COCAIN (methyl ester of benzoylcegonine)

CODEINE (3-methylmorphine)

CODOXIME (dihydrocodeinone-6-carboxymethoxime)
FIRST SCHEDULE, PART I—continued

CONCENTRATE OF POPPY STRAW (the material arising when poppy straw has entered into a process for the concentration of its alkaloids, when such material is made available in trade)

DESMORPHINE (dihydrideoxymorphine)

DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl]-morpholine)

DEXTROPTROPOXYPHENE (x-(+)-4-dimethylamino-1-2-diphenyl-3-methyl-2-butanol propionate)

DIAMPROMIDE (N-[(2-methylphenethylamino)-propyl]-propionanilide)

DIETHYLTHIAMBUTENE (3-diethylamino-1,1-di-(2-thienyl)-1-butene)

DIFENOXIN (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid)

DIHYDROCODEINE

DIHYDROMORPHINE

DIMENOXADOL (2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate)

DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol)

DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2-thienyl)-1-butene)

DIOXAPHENYL BUTYRATE (ethyl-4-morpholino-2,2-diphenylbutyrate)

DIPHENOXYLATE (1-3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)

DIPIPANONE (4,4-di phenyl-6-piperidine-3-heptanone)

DROTEBANOL (3,4-dimethoxy-17-methylmorphinan-6B,14-diol)

ECGONINE, its esters and derivatives which are convertible to ecgonine and cocaine

ETHYL METHYLTHIAMBUTENE (3-ethylethylamino-1,1-di-(2-thienyl)-1-butene)

ETHYLTHIAMPHINE (3-ethylnorphine)

ETONITAZENE (1-diethylaminoethyl-2-para-ethoxybenzyl-5-nitrobenzimidazole)

ETORPHINE (tetrahydro-7x-(1-hydroxy-l-methylbutyl)-6,14-endoetheno-orpavine)

ETOXERIDINE (1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)

FENTANYL (1-phenethyl-4-N-propionylanilinopiperidine)

FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)

HEROIN (diacetylmorphine)

HYDROCODONE (dihydrocodeinone)

HYDROMORPHINOL (14-hydroxydihydromorphine)

HYDROMORPHONE (dihydromorphinone)

HYDROXYPETHIDINE (4-meta-hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
FIRST SCHEDULE, PART I—continued

ISOMETHADONE (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
KETOBEMIDONE (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine)
LEVOMETHORPHAN ((-)-3-methoxy-N-methylmorphinan)
LEVOMORAMIDE ((-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)-butyl] morpholine)
LEVOPHENACYLMORPHAN ((-)-3-hydroxy-N-phenacylmorphinan)
LEVORPHANOL ((-)-3-hydroxy-N-methylmorphinan)
METAZOCINE (2-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
METHADONE (6-dimethylamino-4,4-diphenyl-3-heptanone)
METHADONE-INTERMEDIATE (4-cyano-2-dimethylamino-4,4-diphenylbutane)
METHYLDIHYDROMORPHINE (6-methyl-delta-6-deoxymorphone)
METHYLHYDROMORPHINE (6-methylhydromorphine) 3-methylfentanyl (N-(3-methyl-1-phenethyl-4-piperidyl) propionanilide)
METOPON (5-methylhydromorphone)
MORAMIDE-INTERMEDIATE (2-methyl-3-morpholino-1,1-diphenylpropane carboxylic acid)
MORPHERIDINE (1-(2-morpholinooethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
MORPHINE
MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives, including in particular the morphine-N-oxide derivatives, one of which is Codeine-N-Oxide
MORPHINE-N-OXIDE
MPPP (1-methyl-4-phenyl-4-pipendinol propionate (ester))
MYROPINE (myristylbenzylmorphine)
NICOCODINE (6-nicotinylcodeine or 6-(pyridine-3-carboxylic acid)-codeine ester)
NICODICODINE (6-nicotinylhydrocodeine)
NICOMORPHINE (3,6-dinicotinylmorphine)
NORACYMETHADOL ((±)-alpha-3-acetoxy-6-methylamino-4,4-diphenylephiane)
NORLEVORPHANOL ((±)-3-hydroxymorphinan)
NORMETHADONE (6-dimethylamino-4,4-diphenyl-3-hexanone)
NORCODEINE (N-demethylcodeine)
NORMORPHINE (demethylmorphine) or (N-demethylated morphine)
NORPIPANONE (4,4-diphenyl-6-piperidino-3-hexanone)
OPIUM (whether raw, prepared or medicinal) the opium poppy
OXYCODONE (14-hydroxyhydrocodeine)
OXYMORPHONE (14-hydroxyhydromorphinone)
FIRST SCHEDULE, PART I—continued

PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate (ester))
PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
PETHIDINE-INTERMEDIATE-A (4-cyano-1-methyl-4-phenylpiperidine)
PETHIDINE-INTERMEDIATE-B (4-phenylpiperidine-4-carboxylic acid ethyl ester)
PETHIDINE-INTERMEDIATE-C (1-methyl-4-phenylpiperidine-4-carboxylic acid)
PHENADOXONE (6-morpholino-4,4-diphenyl-3-heptanone)
PHENAMPROMIDE (N-(1-methyl-2-piperidinoethyl) propionanilide)
PHENAZOCINE (2-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)
PHENOMORPHAN (3-hydroxy-N-phenethylmorphinan)
PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
PHOLCODINE (morpholinyethylmorphine or beta-4-morpholinyethylmorphine)
PIMINODINE (4-phenyl-1-(3-phenylaminopropyl)-piperidine-4-carboxylic acid ethyl ester)
PIRITRAMIDE POPPY-STRAW and CONCENTRATE OF POPPY-STRAW (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)-piperidine-4-carboxylic acid amide)
PROHEPTAZINE (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)
PROPRAM
RACEMETHORPHAN ((±)-3-methoxy-N-methylmorphinan)
RACEMORAMIDE ((±)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrroldiny)-butyl]-morpholine
RACEMORPHAN ((±)-3 hydroxy-N-methylmorphinan)
SUFENTAMIL (N-[4-methoxymethyl]-1-[2-(2-thienyl)-ethyl]-4-piperidyl]-propionanilide)
THEBAINE (acetyldihydrocodeinone)
TILIDINE ((±)-ethyl-trans-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate)
TRIMEPERIDINE (1,2,5-trimethyl-4-phenyl-4-propionoxy piperidine).

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 above not being dextromethorphan or dextrorphan.

3. Any ester or ether of a substance for the time being specified in paragraph 1 or 2 above.

4. Any salt of a substance for the time being specified in any of the paragraphs 1 to 3 above.
FIRST SCHEDULE, PART I—continued

5. Any preparation or other product containing a substance or product for the time being specified in any of paragraphs 1 to 4 above.

6. Any preparation designed for administration by injection which includes a substance or product for the time being specified in any of paragraphs 1 to 5.

PART II
[Section 3.]

List of Psychotropic Substances Under Control

1. The following substances and products, namely—

<table>
<thead>
<tr>
<th>International Non-Proprietary Names (INN)</th>
<th>Other Non-Proprietary or Trivial Names</th>
</tr>
</thead>
<tbody>
<tr>
<td>BROLMFETAMINE</td>
<td>DOB</td>
</tr>
<tr>
<td>CATHINONE</td>
<td>DET</td>
</tr>
<tr>
<td></td>
<td>DMA</td>
</tr>
<tr>
<td></td>
<td>DMHP</td>
</tr>
<tr>
<td></td>
<td>DMT</td>
</tr>
<tr>
<td></td>
<td>DOET</td>
</tr>
<tr>
<td>(+)-LYSERGIDE</td>
<td>LSD, LSD-25</td>
</tr>
<tr>
<td></td>
<td>mescaline</td>
</tr>
<tr>
<td></td>
<td>MDMA</td>
</tr>
<tr>
<td></td>
<td>MMMDA parahexyl</td>
</tr>
<tr>
<td>ETICYCLIDINE</td>
<td>PCE</td>
</tr>
<tr>
<td>ROLICYCLIDINE</td>
<td>PHP, PCPY</td>
</tr>
<tr>
<td></td>
<td>PMA</td>
</tr>
<tr>
<td></td>
<td>psilocine, psilotsin</td>
</tr>
<tr>
<td>PSILOCYBINE</td>
<td>STP, DOM</td>
</tr>
<tr>
<td>TENOCYCLIDINE</td>
<td>TCP</td>
</tr>
<tr>
<td></td>
<td>THC, Tetrahydrocannabinol</td>
</tr>
<tr>
<td>AMFETAMINE</td>
<td>amphetamine</td>
</tr>
<tr>
<td>DEXAMFETAMINE</td>
<td>dexamphetamine</td>
</tr>
<tr>
<td>FENETYLLINE</td>
<td></td>
</tr>
<tr>
<td>LEVAMFETAMINE</td>
<td>levamphetatine</td>
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<tr>
<td></td>
<td>levomethamphetatine</td>
</tr>
<tr>
<td>MECLOQUALONE</td>
<td></td>
</tr>
<tr>
<td>METAMFETAMINE</td>
<td>methamphetatine</td>
</tr>
<tr>
<td>METAMFETAMINE RACEMATE</td>
<td>methamphetatine racemate</td>
</tr>
<tr>
<td>METHAQUALONE</td>
<td></td>
</tr>
<tr>
<td>METHYLPHENIDATE</td>
<td></td>
</tr>
<tr>
<td>PHENCYCLIDINE</td>
<td>PCP</td>
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FIRST SCHEDULE, PART II—continued

<table>
<thead>
<tr>
<th>Substance</th>
<th>Description</th>
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<tbody>
<tr>
<td>PHENMETRAZINE</td>
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</tr>
<tr>
<td>AMOBARBITAL</td>
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</tr>
<tr>
<td>BUPRENORPHINE</td>
<td></td>
</tr>
<tr>
<td>BUTALBITAL</td>
<td></td>
</tr>
<tr>
<td>CATHINE (+)-norpseudoephedrine</td>
<td>ephedrine</td>
</tr>
<tr>
<td>CYCLOBARBITAL</td>
<td></td>
</tr>
<tr>
<td>GLUTETHIMIDE</td>
<td></td>
</tr>
<tr>
<td>PENTAZOCINE</td>
<td></td>
</tr>
<tr>
<td>PENTOBARBITAL</td>
<td></td>
</tr>
<tr>
<td>SECOBARBITAL</td>
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</tr>
<tr>
<td>ALLOBARBITAL</td>
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<td>ALPRAZOLAM</td>
<td></td>
</tr>
<tr>
<td>AMFEPRAMONE</td>
<td></td>
</tr>
<tr>
<td>BARBITAL</td>
<td></td>
</tr>
<tr>
<td>BENZFE TAMINE</td>
<td>benzphetamine</td>
</tr>
<tr>
<td>BROMAZEPAM</td>
<td></td>
</tr>
<tr>
<td>BUTOBARBITAL</td>
<td></td>
</tr>
<tr>
<td>CAMAZEPAM</td>
<td></td>
</tr>
<tr>
<td>CHLORDIAZEPoxide</td>
<td></td>
</tr>
<tr>
<td>CLOBAZAM</td>
<td></td>
</tr>
<tr>
<td>CLONAZEPAM</td>
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</tr>
<tr>
<td>CLORAZEPATE</td>
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<td>CLOTIAZEPAM</td>
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<td>CLOXAZOLAM</td>
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<tr>
<td>DELORAZEPAM</td>
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<td>DIAZEPAM</td>
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<tr>
<td>ESTAZOLAM</td>
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</tr>
<tr>
<td>ETHCHLORVYNOL</td>
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</tr>
<tr>
<td>ETHINAMATE</td>
<td></td>
</tr>
<tr>
<td>ETHYL LOFLAZEPATE</td>
<td></td>
</tr>
<tr>
<td>ETILAMFETAMINE</td>
<td>N-ethylamphetamine</td>
</tr>
<tr>
<td>FENCAMFAMIN</td>
<td></td>
</tr>
<tr>
<td>FENPROPOREX</td>
<td></td>
</tr>
<tr>
<td>FLUDIAZEPAM</td>
<td></td>
</tr>
<tr>
<td>FLUNITRAZEPAM</td>
<td></td>
</tr>
<tr>
<td>FLURAZEPAM</td>
<td></td>
</tr>
<tr>
<td>HALAZEPAM</td>
<td></td>
</tr>
<tr>
<td>HALOXAZOLAM</td>
<td></td>
</tr>
<tr>
<td>KETAZOLAM</td>
<td></td>
</tr>
<tr>
<td>LEFETAMINE</td>
<td>SPA</td>
</tr>
<tr>
<td>LORAZEPAM</td>
<td></td>
</tr>
</tbody>
</table>
FIRST SCHEDULE, PART II—continued

LORMETAZEPAM  
MAZINDOL  
MEDAZEPAM  
MEFENOREX  
MEPROBAMATE  
METHYLPHENOBARBITAL  
METHYLPRYLON  
NIMETAZEPAM  
NITRAZEPAM  
NORDAZEPAM  
OXAZEPAM  
OXAZOLAM  
PEMOLINE  
PHENDIMETRAZINE  
PHENOBARBITAL  
PHENTERMINE  
PINAZEPAM  
PIPRADROL  
PRAZEPAM  
PROPYLHEXEDRINE  
PYROVALERONE  
SECBUTABARBITAL  
TEMAZEPAM  
TETRAZEPAM  
TRIAZOLAM  
VINYLBITAL

2. Any stereoisomeric form of a substance for the time being specified in paragraph 1 of this Part.

3. Any salt of a substance for the time being specified in paragraph 1 or 2 of this Part.

4. Any preparation or other product containing a substance for the time being specified in any of paragraphs 1 to 3 of this Part.

PART III

[Section 3.]

List of Substances Under Control

1. The following substances and products, namely—

<table>
<thead>
<tr>
<th>Table I</th>
<th>Table II</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ephedrine</td>
<td>Acetic anhydride</td>
</tr>
<tr>
<td>Ergometrine</td>
<td>Acetone</td>
</tr>
<tr>
<td>Ergotamine</td>
<td>Anthranilic acid</td>
</tr>
</tbody>
</table>
FIRST SCHEDULE, PART III—continued

Lysergic acid Ethyl ether
1-phenyl-2-propanone Phenylacetic acid
Pseudoephedrine Piperidine

2. The salts of the substances listed in either Table specified in paragraph 1 of this Schedule whenever the existence of such salts is possible.

PART IV

[Section 3.]

Meaning of Certain Expressions Used in this Schedule

For the purposes of this Schedule, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“cannabinol derivatives” means the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives;

“concentrate of poppy-straw” means the material produced when poppy-straw has entered into a process for the concentration of its alkaloids;

“medicinal opium” means raw opium which has undergone the process necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances;

“opium poppy” means the plant of the species *Papaver somniferum L*;

“poppy straw” means all parts, except the seeds, of the opium poppy, after mowing;

“raw opium” includes powdered or granulated opium but does not include medicinal opium.

SECOND SCHEDULE

DRUG ABUSE (PREVENTION AND CONTROL) ACT

Trafficable Quantities of Specified Controlled Drugs

[Sections 2, 6(4) and 18.]

<table>
<thead>
<tr>
<th>Controlled Drug</th>
<th>Trafficable Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cannabis or Cannabis resin</td>
<td>fifteen grams</td>
</tr>
<tr>
<td>Cocaine</td>
<td>one gram</td>
</tr>
<tr>
<td>Heroin (diacetylmorphine)</td>
<td>two grams</td>
</tr>
<tr>
<td>Opium</td>
<td>fifty-five grams</td>
</tr>
<tr>
<td>Morphine</td>
<td>three grams</td>
</tr>
<tr>
<td>THC (tetrahydrocannabinol)</td>
<td>one gram</td>
</tr>
</tbody>
</table>
THIRD SCHEDULE

DRUG ABUSE (PREVENTION AND CONTROL) ACT

Constitution, etc., of Advisory Committee on the Misuse of Drugs

[Section 3A.]

1. (1) The members of the Advisory Committee, of whom there shall be not less than eight, shall be appointed by the Minister after consultation with such organisations as he or she considers appropriate, and shall include—
   (a) in relation to each of the activities specified in subparagraph (2) below, at least one person appearing to the Minister to have wide and recent experience of that activity; and
   (b) persons appearing to the Minister to have wide and recent experience of social problems connected with the misuse of drugs.

(2) The activities referred to in subparagraph (1)(a) above are—
   (a) the practice of medicine;
   (b) the practice of dentistry;
   (c) the practice of pharmacy.

(3) The Minister shall appoint one of the members of the Advisory Committee to be Chairperson of the Committee.

2. The Advisory Committee may appoint committees, which may consist in part of persons who are not members of the Committee to consider and report to the Committee on any matter referred to them by the Committee.

3. At meetings of the Advisory Committee the quorum shall be four, and subject to that the Committee may determine their own procedure.

FOURTH SCHEDULE

DRUG ABUSE (PREVENTION AND CONTROL) ACT

Tribunals

[Section 29.]

1. A tribunal shall consist of three persons of whom—
   (a) one shall be an attorney-at-law of at least ten years standing appointed by the Minister, after consultation with the Chief Justice, to be Chairman of the tribunal;
   (b) wherever practicable, two shall be persons engaged in the same profession as the respondent; these two shall be appointed by the Minister and where the respondent is a member of a professional association in Grenada the Minister shall, before making any appointment under this paragraph, consult with that association.

2. At any meeting a tribunal shall not be properly constituted unless all members are present.

3. Proceedings before a tribunal shall be held in private unless the respondent requests otherwise and the tribunal accedes to that request.
FOURTH SCHEDULE—continued

4. The Chief Justice may make rules as to the procedure to be followed, and the rules of evidence to be observed, in proceedings before a tribunal, and in particular—
   (a) for securing that notice that the proceedings are to brought shall be given to the respondent at such time and in such manner as may be specified in the rules;
   (b) for determining who, in addition to the respondent, shall be a party to the proceedings;
   (c) for securing that any party to the proceedings shall, if he or she so requires, be entitled to be heard by the tribunal;
   (d) for enabling any party to the proceedings to be represented by an attorney-at-law.

5. For the purpose of any proceedings before a tribunal, the tribunal may administer oaths and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to give any evidence or produce any document which he or she could not be compelled to give or produce on the trial of an action.

6. Subject to the foregoing provisions of this Schedule, a tribunal may regulate its own procedure.

7. The validity of the proceedings of a tribunal shall not be affected by any defect in the appointment of a member of the tribunal or by reason of the fact that a person not entitled to do so took part in the proceedings.

8. The Minister shall by order published in the Gazette determine the fees which shall be paid to members of a tribunal appointed in accordance with this Act.

9. The Minister shall make available to a tribunal such accommodation, the services of such officers and such other facilities as he or she considers appropriate for the purpose of enabling the tribunal to perform its functions.

FIFTH SCHEDULE

DRUG ABUSE (PREVENTION AND CONTROL) ACT

[Section 37.]

<table>
<thead>
<tr>
<th>Section Creating Offence</th>
<th>General Nature of Offence</th>
<th>Mode of Prosecution</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 4(3)</td>
<td>Importation or exportation of a controlled drug contrary to section 4(1)</td>
<td>(a) Summary</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $500,000 or imprisonment for 20 years, or both</td>
</tr>
<tr>
<td>Section 5(2)</td>
<td>Production or being concerned in the production of a controlled drug contrary to section 5(1)</td>
<td>(a) Summary</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $500,000 or imprisonment for 20 years, or both</td>
</tr>
</tbody>
</table>
### FIFTH SCHEDULE—continued

<table>
<thead>
<tr>
<th>Section Creating Offence</th>
<th>General Nature of Offence</th>
<th>Mode of Prosecution</th>
<th>Punishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 5(3)</td>
<td>Supplying or offering to supply a controlled drug to another or being concerned in the doing of either activity by another</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>(a) Summary</td>
<td></td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
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<tr>
<td></td>
<td>(b) On indictment</td>
<td></td>
<td>A fine of $500,000 or imprisonment for 20 years, or both</td>
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<tr>
<td>Section 6(2)</td>
<td>Having possession of a controlled drug</td>
<td></td>
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<tr>
<td></td>
<td>(a) Summary</td>
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<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
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<tr>
<td>Section 6(3)</td>
<td>Having possession of a controlled drug with intent to supply it to another</td>
<td></td>
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</tr>
<tr>
<td></td>
<td>(a) Summary</td>
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<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
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<tr>
<td>Section 7(1)</td>
<td>Handling a controlled drug</td>
<td></td>
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<tr>
<td></td>
<td>(a) Summary</td>
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</tr>
<tr>
<td>Section 8(2)</td>
<td>Misusing a controlled drug</td>
<td></td>
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<tr>
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<td>(a) Summary</td>
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<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
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</tr>
<tr>
<td>Section 9(2)</td>
<td>Having possession of any pipe, equipment or apparatus intended for use in connection with misuse of a controlled drug</td>
<td></td>
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<tr>
<td></td>
<td>(a) Summary</td>
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</tr>
<tr>
<td>Section 10(2)</td>
<td>Doing an act preparatory to the commission of an offence under section 4(3) or section 5(3)</td>
<td></td>
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<tr>
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<td>(a) Summary</td>
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<tr>
<td>Section 11(2)</td>
<td>Cultivation of cannabis plant, coca plant or opium poppy</td>
<td>(a) Summary</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $500,000 or imprisonment for 20 years, or both</td>
</tr>
<tr>
<td>Section 13(1)</td>
<td>Being the occupier or concerned in the management of premises and permitting or suffering certain illegal activities to take place there</td>
<td>(a) Summary</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $500,000 or imprisonment for 20 years, or both</td>
</tr>
<tr>
<td>Section 14(6)</td>
<td>Bringing controlled drugs into Grenada in transit contrary to section 14(1)</td>
<td>(a) Summary</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $500,000 or imprisonment for 20 years, or both</td>
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<tr>
<td>Section 15(5)</td>
<td>Removing controlled drugs from conveyance by which it is brought into Grenada in transit, etc., without licence contrary to section 15(1)(a) or moving controlled drugs, etc., contrary to section 15(1)(b)</td>
<td>(a) Summary</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $500,000 or imprisonment for 20 years, or both</td>
</tr>
<tr>
<td>Section 16</td>
<td>Tampering with controlled drugs in transit</td>
<td>(a) Summary</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $500,000 or imprisonment for 20 years, or both</td>
</tr>
<tr>
<td>Section 17(6)</td>
<td>Diversion of controlled drugs, etc., Without certificate contrary to section 17(1)</td>
<td>(a) Summary</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $500,000 or imprisonment for 20 years, or both</td>
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<tr>
<td>Section 18(4)</td>
<td>Trafficking in a controlled drug; offering to traffic in a controlled drug or doing or offering to do an act preparatory to or for the purpose of trafficking in a controlled drug contrary to section 18(2)</td>
<td>(a) Summary</td>
<td>A fine of $250,000 or where there is evidence of the street value of the controlled drug three times the street value of the controlled drug, whichever is greater; and to imprisonment for 7 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>Imprisonment for life</td>
</tr>
<tr>
<td>Section 19(1)</td>
<td>Assisting another to retain the benefit of drug trafficking</td>
<td>(a) On indictment</td>
<td>A fine of $200,000 or imprisonment for 20 years, or both, if the offender is a natural person, or a fine of $600,000 if the offender is a body corporate</td>
</tr>
<tr>
<td>Section 20(3)</td>
<td>Supplying, offering to supply or doing or offering to do an act preparatory to the supply of a substance represented or held out to be a controlled drug but which is not a controlled drug</td>
<td>(a) Summary</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $500,000 or imprisonment for 20 years, or both</td>
</tr>
<tr>
<td>Section 21(2)</td>
<td>Having possession of a controlled drug in, or within a radius of one hundred yards of, school premises</td>
<td>(a) Summary</td>
<td>A fine of $250,000 and imprisonment for 7 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>Imprisonment for life</td>
</tr>
<tr>
<td>Section 21(3)</td>
<td>Having possession of a controlled drug in, or within a radius of one hundred yards of, school premises with intent to supply it to another</td>
<td>(a) Summary</td>
<td>A fine of $250,000 and imprisonment for 7 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>Imprisonment for life</td>
</tr>
<tr>
<td>Section 22(2)</td>
<td>Employing, hiring, etc., of children or young persons to violate any provision of this Act or to assist in avoiding detection</td>
<td>(a) Summary</td>
<td>A fine of $250,000 and imprisonment for 7 years</td>
</tr>
</tbody>
</table>
## FIFTH SCHEDULE—continued

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<tr>
<td>Section 22(2)—continued</td>
<td>or apprehension for offences under this Act or receiving a controlled drug from a child or young person in contravention of this Act</td>
<td>(b) On indictment</td>
<td>Imprisonment for life</td>
</tr>
<tr>
<td>Section 23</td>
<td>Supplying a controlled drug to a child or young person employed or hired to violate any provision of this Act</td>
<td>(a) Summary</td>
<td>A fine of $250,000 and imprisonment for 7 years</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>Imprisonment for life</td>
</tr>
<tr>
<td>Section 25(2)</td>
<td>Contravention of directions relating to safe custody of controlled drugs</td>
<td>(a) Summary</td>
<td>A fine of $100,000 or imprisonment for 2 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td>Section 26(6)</td>
<td>Contravention of directions prohibiting practitioner, etc., from prescribing, supplying, etc., specified controlled drugs</td>
<td>(a) Summary</td>
<td>A fine of $100,000 or imprisonment for 2 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td>Section 27(3)</td>
<td>Contravention of directions prohibiting a practitioner, etc., from prescribing, supplying, etc., specified controlled drugs</td>
<td>(a) Summary</td>
<td>A fine of $100,000 or imprisonment for 2 years, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
<tr>
<td>Section 30(3)</td>
<td>Failure to comply with notice requiring information relating to prescribing, supplying, etc., of controlled drugs</td>
<td>(a) Summary</td>
<td>A fine of $20,000 or imprisonment for 1 year, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $40,000 or imprisonment for 2 years, or both</td>
</tr>
<tr>
<td>Section 30(4)</td>
<td>Giving false information in purported compliance with notice requiring information relating to prescribing, supplying, etc., of controlled drugs</td>
<td>(a) Summary</td>
<td>A fine of $20,000 or imprisonment for 1 year, or both</td>
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<tr>
<td>Section 30(4)—continued</td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $40,000 or imprisonment for 2 years, or both</td>
</tr>
<tr>
<td>Section 31(1)</td>
<td>Contravention of regulations (other than regulations relating to addicts)</td>
<td>(a) Summary</td>
<td>A fine of $10,000 or imprisonment for 6 months, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $30,000 or imprisonment for 2 years, or both</td>
</tr>
<tr>
<td>Section 31(2)</td>
<td>Contravention of terms of licence or other authority (other than licence issued under regulations relating to addicts)</td>
<td>(a) Summary</td>
<td>A fine of $10,000 or imprisonment for 6 months, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $30,000 or imprisonment for 2 years, or both</td>
</tr>
<tr>
<td>Section 31(3)</td>
<td>Giving false information in purported compliance with obligation to give information imposed under or by virtue of regulations</td>
<td>(a) Summary</td>
<td>A fine of $3,000 or imprisonment for 6 months, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $10,000 or imprisonment for 2 years, or both</td>
</tr>
<tr>
<td>Section 31(4)</td>
<td>Giving false information or producing document, etc., containing false statement, etc., for purposes of obtaining issue or renewal of a licence or other authority</td>
<td>(a) Summary</td>
<td>A fine of $3,000 or imprisonment for 6 months, or both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $10,000 or imprisonment for 2 years, or both</td>
</tr>
<tr>
<td>Section 32</td>
<td>Assisting in or inducing commission outside Grenada of an offence punishable under a corresponding law</td>
<td>(a) Summary</td>
<td>A fine of $250,000 or imprisonment for 5 years, or both</td>
</tr>
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<td></td>
<td></td>
<td>(b) On indictment</td>
<td>A fine of $500,000 or imprisonment for 20 years, or both</td>
</tr>
<tr>
<td>Section 35(3)</td>
<td>Obstructing exercise of powers of search, etc., or concealing books, etc.</td>
<td>(a) Summary</td>
<td>A fine of $20,000 or imprisonment for 1 year, or both</td>
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<td>Section 35(3)—continued</td>
<td>(b) On indictment</td>
<td></td>
<td>A fine of $40,000 or imprisonment for 2 years, or both</td>
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</table>

SIXTH SCHEDULE

DRUG ABUSE (PREVENTION AND CONTROL) ACT
[Sections 2, 14, 15 and 17.]

2. The International Opium Convention [i.e. The Geneva Convention (No. 1)] signed at Geneva on 19 February, 1925.
3. The International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs [i.e. The Geneva Convention (No. 2)] signed at Geneva on 13 July, 1931.
4. The Protocol on Narcotic Drugs signed at Lake Success, New York, on 11 December, 1946.

SEVENTH SCHEDULE

DRUG ABUSE (PREVENTION AND CONTROL) ACT
[Section 41.]

(a) The Government chemist or analyst of Grenada or however else entitled or his or her assistant.
(b) The Government chemist or analyst of Barbados or however else entitled or his or her assistant.
(c) The Government chemist or analyst of Trinidad and Tobago or however else entitled or his or her assistant.
CHAPTER 84A

DRUG ABUSE (PREVENTION AND CONTROL) ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation