

ACT NO. 41 OF 2022

I assent.

K. KUMAR
Chief Justice

[29 July 2022]

AN ACT**TO AMEND THE ILLICIT DRUGS CONTROL ACT 2004**

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Illicit Drugs Control (Budget Amendment) Act 2022.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Illicit Drugs Control Act 2004 is referred to as the “Principal Act”.

Section 32A inserted

2. The Principal Act is amended after section 32 by inserting the following new section—

“Factual presumption relating to THC concentration in Cannabis

32A. Where in any prosecution under this Act, a person claims that a substance, plant or part of a plant is hemp and contains a *Tetrahydrocannabinol* concentration that does not exceed 1%, it shall be presumed that the substance, plant or part of the plant is Cannabis and that the *Tetrahydrocannabinol* concentration exceeds 1% until the contrary is proved by the person.”.

Schedule 1 amended

3. Schedule 1 to the Principal Act is amended after the preambular paragraph by inserting the following new paragraph—

“In this Schedule, references to the Cannabis plant (or any part of the Cannabis plant) do not include hemp, or parts of the plant derived from hemp, with the *Tetrahydrocannabinol* concentration not exceeding 1%.”.

Passed by the Parliament of the Republic of Fiji this 29th day of July 2022.