



Tonga

**ILLICIT DRUGS CONTROL
(AMENDMENT) ACT 2021**

Act 19 of 2021



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ILLICIT DRUGS CONTROL (AMENDMENT) ACT 2021

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AN ACT TO AMEND THE ILLICIT DRUGS CONTROL ACT

I assent,
TUPOU VI,
28th October 2021.

BE IT ENACTED by the King and Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

1 Short Title and Interpretation

- (1) This Act may be cited as the Illicit Drugs Control (Amendment) Act 2021.
- (2) In this Act, the Illicit Drugs Control Act, as amended, shall be referred to as “the Principal Act”.

2 Section 2 amended

Section 2 of the Principal Act is amended in the definition of “**supply**” by deleting the word “and” and replacing it with the word “or”.

3 Section 4 amended

Section 4 of the Principal Act is amended –

- (a) by deleting the word “or” at the end of sub-paragraph (iii);

- (b) by deleting the full stop (.) immediately after sub-paragraph (iv) and replacing it with “; or”; and
- (c) by inserting the following new sub-paragraph (v) –
 - “(v) in respect of a Class A drug in the quantity of 5 kilograms or more, to life imprisonment.”.

4 Section 5C

The Principal Act is amended by inserting the following new section 5C immediately after section 5B –

“5C Offences involving children

- (1) Any person who knowingly without lawful excuse, the proof of which shall lie on him -
 - (a) supplies an illicit drug to a child;
 - (b) administers an illicit drug to a child;
 - (c) compels a child to use an illicit drug; or
 - (d) engages, employs or uses a child in the import, export, manufacture, cultivation or supply of any illicit drug, commits an offence and shall be liable upon conviction –
 - (i) in respect of a first offence, to a fine not exceeding \$500,000 or to imprisonment for any period not exceeding 30 years or both; or
 - (ii) in respect of a second offence, to a fine not exceeding \$1,000,000 or to imprisonment for any period not exceeding 50 years or both; or
 - (iii) in respect of a third or subsequent offence, to be sentenced to life imprisonment.
- (2) For the purpose of this section, a child is a person who is under the age of 18 years.

5 Schedule 2 amended

Schedule 2 of the Principal Act is amended by deleting the word “Ephedrine” and replacing it with “Ephedrine”.

Passed by the Legislative Assembly this **26th** day of **August** 2021.