

CONTROLLED DRUGS & PENALTIES

Contained in the Misuse of Drugs Act (CAP 283) of the Laws of Antigua and Barbuda (hereinafter “the Act”) are three classes of drugs (A, B and C) and part of the ONDCP’s mandate is to enforce the aforementioned statutes. The Law permits an ONDCP officer to detain anyone suspected of producing, supplying, using, exporting and importing of dangerous or otherwise harmful drugs. Pursuant to Section 3 Part I-IV of “the Act” the following lists are Controlled Drugs listed by classes.

CONTROLLED DRUGS PART I

CLASS “A” DRUGS

Acetorphine	Dihydromorphine	Hydroxypethidine	Mormorphine
Allylprodine	Dimenoxadole	Isomethadone	Norpianone
Alphacetymethadol	Dimephepanol	Ketobemidone	Opium
Alphameprodine	Dihydromorphine	Levomethorphan	Oxycodone
Alphamethadol	Dimenoxadole	Levomoramide	Pethidine
Alphaprodine	Dimephepanol	Levophenacymorphan	Oxymorphone
Anileridine	Dimethylthiambutene	Levorphanol	Pethidine
Benzethidine	Dioxaphetyl butyrate	Lysergamide	Phenadoxone
Benzylmorphine	Diphenoxylate	Lysergide and N-alky	Phenazocine
Betameprodone	Dipipanone	Mescaline	Phenomorphane
Betamethadol	Ecgonine	Metazocine	Phenoperidine
Betaprodine	Ethylmethylthiambutene	Methadone	Piminodine
Bezitramide	Etonitazene	Methadyl acetate	Piritramide
Bufotenine	Etonitazene	Methyldesorhine	Poppy Straw
Cannabinol	Etorphine	Methyldihydromorphine	Proheptazine
Cannabinol derivatives	Etixeridine	Metopon	Properidine
Clonitazene	Fentanyl	Morpheridine	Psilocin
Coca Leaf	Furethidine	Morphine	Racemethorphan
Cocaine	Fentanyl	Morphine Methobrombie	Racemoramide
Desomorphine	Furethidine	Myrophine	Racemorphan
Dextromoramide	Hydrocodone	Nicomorphine	Thebacon
Diethylthiambutene	Hydromorphinol	Noracymethadol	Thebaine
Dihydrocodeinone	Hydromorphone	Normethadone	Trimeperidine

CONTROLLED DRUGS PART II

CLASS "B" DRUGS

Acetyldihydrocodeine	Dexamphetarnine	Methylamphetamine	Norcodeine
Amphetamine	Dihydrocodeine	Methylphenidate	Phenmetrazine
Cannabis and Cannabis resin Codeine	Ethylmorphine	Nicocodeine	Pholcodine

CONTROLLED DRUGS PART III

CLASS "C" DRUGS

Benzphetamine	Pemoline
Chlorphentermine	Phendimetrazine
Fencamfamin	Phentermine
Mephentermine	Pipradol
Methaqualone	Prolint

PENALTIES

The Act provides for prosecution and punishment of offences for the production, supply, use, export and import of controlled substances. The following schedule clearly outlines the sanctions that may be imposed by the Courts.

SECOND SCHEDULE

(section 25)

PROSECUTION AND PUNISHMENT OF OFFENCES

Section Creating Offences	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug involved	Class B drug involved	Class C drug involved	General
Section 5(2)	Production or being concerned in the production of a controlled drug	(a) Summary	2 years and not less than \$20,000 nor exceeding \$500,000.	2 years and not less than \$20,000 nor exceeding \$500,000.	2 years and not less than \$20,000 nor exceeding \$500,000.	
		(b) On indictment	7 years and fine.	7 years and fine.	7 years and fine.	
Section 5(3)	Supplying or offering to supply a controlled drug or being concerned in the doing of either activity by another	(a) Summary	2 years and not less than \$20,000 nor exceeding \$500,000.	2 years and not less than \$200,000 nor exceeding \$500,000.	2 years and not less than \$20,000 nor exceeding \$500,000.	
		(b) On indictment	7 years and fine.	7 years and fine.	4 years and fine.	
Section 6(2)	Having possession of a controlled drug.	(a) Summary	2 years and not less than \$5,000 nor exceeding \$200,000.	2 years and not less than \$5,000 nor exceeding \$200,000.	2 years and not less than \$5,000 nor exceeding \$200,000.	
		(b) On indictment	7 years and fine.	7 years and fine.	4 years and fine.	

SECOND SCHEDULE *cont'd*

Section Creating Offences	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug involved	Class B drug involved	Class C drug involved	General
Section 6(3)	Having possession of a controlled drug with intent to supply it to another.	(a) Summary	2 years and not less than \$20,000 nor exceeding \$500,000.	2 years and not less than \$20,000 nor exceeding \$500,000.	2 years and not less than \$20,000 nor exceeding \$500,000.	
		(b) On indictment	7 years and fine.	7 years and fine.	4 years and fine.	
Section 8(2)	Cultivation of Cannabis plant.	(a) Summary				2 years and not less than \$10,000 nor more than \$100,000.
Section 10	Being the owner, occupier, or concerned in the management of premises and permitting or suffering certain activities to take place there.	(a) Summary	2 years and not less than \$20,000 nor exceeding \$500,000.	2 years and not less than \$20,000 nor exceeding \$500,000.	2 years and not less than \$20,000 nor exceeding \$500,000.	14 years and fine.
		(b) On indictment	7 years and fine.	7 years and fine.	4 years and fine.	

SECOND SCHEDULE *cont'd*

Section Creating Offences	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug involved	Class B drug involved	Class C drug involved	General
Section 11(1)	Offences relating to opium	(a) Summary				2 years and not less than \$20,000 nor exceeding \$500,000.
		(b) On indictment				10 years and fine.
Section 12(1)	Having possession of a controlled drug in certain circumstances with intent to sell or transfer it to another	(a) Summary	5 years and not less than \$20,000 nor exceeding \$500,000.	3 years and not less than \$20,000 nor exceeding \$500,000.	3 years and not less than \$20,000 nor exceeding \$500,000.	
		(b) On indictment	7 years and fine.	7 years and fine.	4 years and fine.	
Section 14(2)	Contravention of directions relating to safe custody of controlled drugs.	(a) Summary				6 months or \$10,000.
		(b) On indictment				2 years and fine.

SECOND SCHEDULE *cont'd*

Section Creating Offences	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug involved	Class B drug involved	Class C drug involved	General
Section 15(5)	Contravention of direction prohibiting practitioners etc. from possessing, supplying, controlled drug.	(a) Summary	2 years and not less than \$20,000 nor exceeding \$300,000.	2 years and not less than \$20,000 nor exceeding \$300,000.	2 years and not less than \$20,000 nor exceeding \$300,000.	
		(b) On indictment	7 years and fine.	7 years and fine.	4 years and fine.	
Section 16(3)	Contravention of direction prohibiting practitioners etc. from prescribing, supplying etc. controlled drugs.	(a) Summary	2 years and not less than \$20,000 nor exceeding \$300,000.	2 years and not less than \$20,000 nor exceeding \$300,000.	2 years and not less than \$20,000 nor exceeding \$300,000.	
		(b) On indictment	7 years and fine.	7 years and fine.	7 years and fine.	
Section 17(3)	Failure to comply with notice requiring information relating to prescribing, supply, etc. of drugs.	(a) Summary				\$1000.
Section 17(4)	Giving false information in purported compliance with notice requiring information relating to prescribing, supply, etc. of drugs.	(a) Summary				1 year and \$20,000,
		(b) On indictment				2 years and fine.

SECOND SCHEDULE *cont'd*

Section Creating Offences	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug involved	Class B drug involved	Class C drug involved	General
Section 20(2)	Assisting in or inducing commission outside Antigua and Barbuda of an offence punishable under a corresponding law.	(a) Summary				One year and \$10,000.
		(b) On indictment				7 years and fine.
Section 23(4)	Obstructing exercise of powers of search etc. failing to stop, preventing the person in charge from stopping, leaving a stopped vehicle etc., or concealing books, drugs etc.	(a) Summary				One year and \$10,000.
		(b) On indictment				7 years and fine.
Section 28(4)	Re-entry or attempted re-entry into Antigua and Barbuda of person on whom a removal order has been effected.	(a) Summary				One year and \$10,000.
		(b) On indictment				2 years and fine.

SECOND SCHEDULE *cont'd*

Section Creating Offences	General Nature of Offence	Mode of Prosecution	Punishment			
			Class A drug involved	Class B drug involved	Class C drug involved	General
Section 18(1)	Contravention of regulations (other than regulations relating to addicts).	(a) Summary				6 months and \$10,000.
		(b) On indictment				2 years and fine.
Section 18(2)	Contravention of terms of licence or other authority.	(a) Summary				6 months and \$10,000.
		(b) On indictment				2 years and fine.
Section 18(3)	Giving false information in purported compliance with obligation to give information imposed under or by virtue of regulations.	(a) Summary				One year and \$10,000.
		(b) On indictment				2 years and fine.
Section 18(4)	Giving false information, or producing document, etc. containing false statement etc., for purposes of obtaining issue or renewal of licence or other authority.	(a) Summary				One year and \$10,000.
		(b) On indictment				7 years and fine.