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**An Bille um Mí-Úsáid Drugaí (Leasú), 2019**  
**Misuse of Drugs (Amendment) Bill 2019**

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*Meabhrán Mínitheach*  
*Explanatory Memorandum*

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**AN BILLE UM MÍ-ÚSÁID DRUGAÍ (LEASÚ), 2019  
MISUSE OF DRUGS (AMENDMENT) BILL 2019**

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**EXPLANATORY MEMORANDUM**

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***Purpose of Bill***

To amend the Misuse of Drugs Act 1977 (as amended) to create two new criminal offences. This Bill criminalises the purchasing of drugs from children and the use of children in drugs distribution.

***Provisions of Bill***

*Section 1* is a standard general interpretation provision for terms which will be used throughout the Bill.

*Section 2* inserts two new criminal offences into the Principal Act. This section makes it a criminal offence to purchase drugs from a child or cause a child to be in possession of drugs for sale or supply.

An offence is committed under this section irrespective of the quantity of drugs involved.

The section provides certain evidentiary presumptions in favour of the prosecutor. In prosecuting under this section, the prosecutor need not prove that the drug is a controlled drug. The prosecutor need not prove that the person being prosecuted knew that the child was a child.

Offences under this section are hybrid offences that can be prosecuted in either the District Court or the Circuit Court. The maximum penalties in the District Court are a fine of up to €3,000 and/or imprisonment of up to a maximum of 12 months. The maximum penalties if the case is tried in the Circuit Court is a jail term of up to 10 years and/or a fine.

The definition of child is provided with the same meaning as defined in the Children Act 2001.

*Section 3* provides for the short title, collective citation, construction and commencement of the Bill.

*John Curran, TD,  
Nollaig, 2019.*