

A NEW LEGAL FRAMEWORK FOR THE RESPONSIBLE USE OF CANNABIS



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- On the 30th of March a White Paper on the Strengthening of the Legal Framework on the Responsible Use of Cannabis was launched.
- On the basis of the White Paper a public consultation was carried out. This attracted a lot of interest with 350 submissions made until the process was formally closed in May.



- Over the Summer, in July, August and September 2021 work on the Bill was started and completed with various consultations also continuing. The Bill was then discussed and approved at Cabinet level.
- The Bill was presented for its First Reading on the 4th October 2021 and the legislative process therefore kicked off.
- Work involved a team composed of legal experts, scientists and persons from other sectors.



- What is being done aims at the limited decriminalisation of the responsible use of cannabis and the creation of regulated sources from where cannabis and its seeds can be acquired.
- We want to reduce the suffering, the humiliation, and the loss of other rights which many cannabis users have gone through when they were submitted to arrest and judicial proceedings for the possession of small amounts, whilst at the same time also providing for precautions to protect minors and the general public.



- In this way we also aim at attacking the cannabis trafficking circles, the black market, the harm caused by inferior quality cannabis and the criminality with which they are associated.
- We do not want and we are not encouraging a cannabis culture or cannabis consumption. This reform is being made as a very strong measure of harm reduction aimed at reducing the harm which will ensue if nothing is done.



- We will proceed in a focused manner with educational campaigns against substance abuse.
- As a Government, through the Ministry responsible for social policy, a few days ago, we launched the campaign “No B****, just facts” where clear facts are given about drugs. This month we will also launch a scheme for NGOs to pass on messages at their facilities which attract youths, to make other choices concerning their health such as sports and arts.
- This month we will also launch a three-year agreement with the FSWS-Sedqa in order to continue the work already being done in primary and secondary schools and to increase presence in tertiary education, institutions and at places of work. This agreement will raise more awareness about outreach services and other community-based services which are offered to individuals facing substance abuse and dependence problems.



What will the Reform Include?

Possession

1. Possession of cannabis in an amount of up to seven grams for personal use by a person over eighteen years of age will not constitute an offence and it will not lead to proceedings in Court or before the Commissioner for Justice.

Moreover, possession within the limits allocated by law will not give rise to arrest or to the seizure of the cannabis as long as the circumstances do not risk a reasonable suspicion of drug dealing.



What will the Reform Include?

Possession

2. Possession of up to seven grams of cannabis by a person under the age of eighteen years for personal use will lead to the person being summoned to appear before the Commission for Justice for the recommendation of a care plan for that person.



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Possession

3. Possession for personal use of an amount of more than seven grams up to twenty-eight grams of cannabis will lead to proceedings before the Commissioner for Justice and to a penalty of between fifty (50) and one hundred (100) Euros and to the seizure of the cannabis. No arrest will be made except if there is a reasonable suspicion of dealing.



What will the Reform Include?

Consumption

4. Consumption of Cannabis in public (except where the person is authorized for medical reasons) will give rise to proceedings before the Commissioner for Justice and to a penalty of 235 Euro.



What will the Reform Include?

Consumption

5. Consumption of cannabis in the presence of a person under the age of eighteen years (whether in public or in private) will give rise to proceedings before the Commissioner for Justice and to a penalty of between 300 and 500 Euros which cannot be paid online without proceedings.



What will the Reform Include?

Possibility of online payment

6. Penalties for prohibited possession up to 28 grams or for public smoking when imposed on a person over eighteen years of age may be paid online in their minimum without proceedings.



What will the Reform Include?

Cultivation

7. Cultivation of up to four cannabis plants in the home irrespective of the number of residents will be permitted. The plants should not be visible from other places



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Cultivation

8. When cultivation takes place it will be permissible for a person to keep up to fifty grams of dried cannabis in the home. If more than fifty grams of dried cannabis are kept the cannabis will be seized by the police and proceedings will be taken for possession. Uncut cannabis will not be seized as long as it is within the limit of four plants.



What will the Reform Include?

Associations

9. It will be permissible to form associations as organisations the purpose of which will be the cultivation of cannabis for distribution amongst members.

Such organisations will be obliged to operate as “non-profit organisations” and no person under the age of 18 may be a member thereof or be present on any premises managed by them. Nobody may be a member of more than one organization of this type.



What will the Reform Include?

Limitations:

10. Limitations apply to the number of members within these organisations (500) and to the amount of cannabis which may be distributed to each member (not more than 7 grams in a day and a maximum of 50 grams every month). The organisations may also distribute up to 20 seeds of the plant cannabis to each member every month.



What will the Reform Include?

Limitations

11. At no time shall the organization be permitted to have on the premises managed by it or in its possession more than five hundred grams of dried cannabis.



What will the Reform Include?

Limitations

12. Premises managed by such organisations cannot be situated at less than 250 metres from a school, a club or a youth centre. No indication by means of signs, words, designs or by other means shall be made from such premises of cannabis activities or cannabis culture.



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Limitations

13. The organisations shall ensure that the presence of premises managed by it will not cause a nuisance in the locality where they are situated including nuisance through loitering.



What will the Reform Include?

Regulation and control

14. Organisations must be registered and issued a permit from the Authority on the Responsible Use of Cannabis which is to be established by the same Act and which will act as regulator in the sector.



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Regulation and control

15. Organisations will be obliged to abide by the orders of the Authority about the quantity of cannabis to be cultivated, the place where it is dried and the method of transport. The Authority should also exercise control on the quantity and quality of the cannabis distributed.



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16. Every three months, organisations must render account of their activity and of the number of members (without releasing their names) to the authority.



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17. The owners, management and members of the organization shall only consist of individuals and shall include no legal persons or other legal entities.



What will the Reform Include?

The Authority

18. The bill proposes the establishment of the authority on the responsible use of cannabis which will regulate the sector in such a manner so as to also implement educational measures, contact with stakeholders and harm reduction.



What will the Reform Include?

Definition of Cannabis

19. It is proposed that the current definition of cannabis (which these currently refer to as 'Indian Hemp') will be altered so that 'cannabis' will be defined as 'the inflorescence and leaves of any plant of the genus cannabis and includes any resin obtained from the said plant but does not include its seeds, or cannabinoid products containing no more than 0.2% of tetrahydrocannabinol (THC).



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Conduct Certificate

20. Persons who were found guilty by a court of an offence which is being decriminalised, will be able to have the sentence removed from their conduct certificate following a request in writing.



Conclusion

This is a Government that listens, decides and takes action. We do not sweep challenges under the carpet or remain silent about them.

Reforms and changes are the essence of how we want our country to continue moving forward for the good of the Maltese and Gozitan citizens.



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