

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

9th March, 2018

ACT No. V of 2018

AN ACT to amend the Drug Dependence (Treatment not Imprisonment) Act, Cap. 537.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same as follows:-

Short title and commencement.

Cap. 537.

1. (1) The short title of this Act is the Drug Dependence (Treatment not Imprisonment) (Amendment) Act, 2018, and this Act shall be read and construed as one with the Drug Dependence (Treatment not Imprisonment) Act, hereinafter referred to as "the principal Act".

(2) The provisions of this Act shall come into force on such date as the Minister may establish by notice in the Gazette.

Amendment of article 2 of the principal Act.

2. Article 2 of the principal Act shall be amended as follows:

(a) immediately before the definition "conviction", there shall be added the following new definition:

" "Cannabinoid" means one of a group of compounds found only in any plant of the genus Cannabis;"

(b) immediately after the definition "drug laws", there shall be added the following new definition:

"Good Manufacturing Practice" means the part of quality assurance which ensures that products are consistently produced and controlled in accordance with the quality standards appropriate to their intended use and in line with the current detailed good manufacturing practice guidelines published by the European Union Commission;"

(c) in the definition "Minister" immediately after the words "responsible for Justice" there shall be added the words "unless otherwise specified."; and

(d) immediately after the definition "prohibited drug", there shall be added the following new definition:

"synthetic Cannabinoids" means substances with structural features which allow binding to one of the known cannabinoid receptors, i.e. CB1 or CB2, present in human cells and compounds with similar chemical structures."

3. Article 10 of the principal Act shall be amended as follows:

Amendment of article 10 of the principal Act.

(a) the present article shall be renumbered as article 10(1) and substituted by the following:

Cap. 464 "(1) A licenced medical practitioner who is duly registered in accordance with the Health Care Professions Act, shall be entitled to prescribe to patients medicinal preparations of the plant cannabis and synthetic Cannabinoid products licensed under the Cap. 458 Medicines Act or manufactured under Good Manufacturing Practice, if it is considered that there is no viable alternative to such prescription due account being taken of any protocols which may be in force from time to time in respect of the prescription of medicines, of the interests of the patient and of the costs."; and

(b) immediately after sub-article (1) as renumbered there shall be added the following new sub-articles:

"(2) None of the preparations referred to in sub-article (1) may be indicated for smoking or in any form meant for smoking.

Cap. 458 (3) The provisions of the Medicines Act, shall, S.L. 31.18 *mutatis mutandis*, apply and the provisions of the Drugs (Control) Regulations shall also, *mutatis mutandis*, apply with regard to the control card:

Provided that no urgent prescriptions shall be allowed in relation to these preparations.

(4) The medical practitioner shall apply for the preparations referred to in sub-article (1) only on a named patient basis as directed by the Superintendent of Public Health.

(5) Preparations referred to in sub-article (1) can only be dispensed by a pharmacist from a licensed pharmacy.

(6) Preparations referred to in sub-article (1) can only be imported by a licensed wholesale dealer or a licensed manufacturer."

Amendment of article 12 of the principal Act.

4. Article 12 of the principal Act shall be renumbered as article 12(1) and immediately thereafter there shall be added the following new sub-article (2):

"(2) The Minister responsible for health may make regulations for the better implementation of the provisions of article 10 of this Act."

Passed by the House of Representatives at Sitting No. 90 of the 6th March, 2018.

ANGLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives