

Legalisation of Cannabis for personal use in Malta - ACT No. LXVI of 2021

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ADVOCATES



Chapter 628 - Authority on the responsible use of cannabis act

- Act came into force on the 18th December 2021.
- Established a new authority – Authority on the Responsible Use of Cannabis.
- Amended various other laws.



Authority on the responsible use of cannabis

- Scope – regulate use of cannabis for purposes other than medicinal or scientific purposes & implement harm reduction from use of cannabis.
- Assist other law enforcement and regulatory authorities in the fight against crime.



Functions:

- Submit proposals to government concerning national policies on use of cannabis;
- Participate in the national planning process relating to social and dangerous drug policy;
- Monitor use of cannabis;
- Act as regulator and implement functions relating to private organisations the activities of which involve the cultivation and possession of cannabis for its members;
- Organise education campaigns on responsible use of cannabis.



- A person convicted of a criminal offence which is subsequently decriminalised or depenalised – can send an application to de-register the conviction from his conduct certificate.

Amendments to the conduct Certificates ordinance



Dangerous drugs ordinance

New definition: Cannabis - means the inflorescence and leaves of any plant of the genus Cannabis and includes any resin obtained from the said plant and any preparations derived from the said plant, but does not include its seeds, or cannabinoid products containing not more than zero point two (0.2) percent of tetrahydrocannabinol (THC);





Commissioners for Justice Act

Increased the amount of possession for personal use.

Now possession between 7g - 28g - an infringement and not an offence - can be tried by the Commissioner for Justice.

The Drug dependence (treatment not imprisonment) act

Several amendments introduced to this Act...

- i. Possession by a person over 18 years of cannabis not exceeding 7 grams (for personal use) does not constitute a crime;
- ii. Consumption of cannabis should be limited to private spaces – consumption in a public place (other than for medicinal purposes) can lead to a penalty of €235.

Further amendments...

- iii. Consumption of cannabis in the presence of a minor - fine of between €300 - €500;
- iv. A person can cultivate up to 4 plants of cannabis and be in possession of not more than 50 grams of dried cannabis, for person use, by a person who is over 18 AND within one's own residence - not an offence.
- v. Cultivation cannot occur in a place which is visible to the public.
- vi. 4 is the maximum number of plants which can be cultivated irrespective of the number of residents.

organisations

- It is permissible to establish / be a member of, an organisation with the purpose of cultivating the plant cannabis exclusively for the organisation's members in a collective manner to distribute it **only** to those members.
- Organisation must be registered with the Authority on the Responsible Use of Cannabis and it needs a permit from the said Authority;
- It needs to operate a non-profit basis in accordance with the Voluntary Organisations Act;
- It shall distribute cannabis only to its members;
- It cannot have more than 500 members.
- It shall have distinctive marks on the containers it distributes to render distribution identifiable.



organisations

- Organisation cannot advertise its activities;
- Membership - only over 18 years of age;
- Nor more than 500 grams of dried cannabis in the premises;
- No alcohol products to be sold from the premises;
- It needs to keep a register of its members;
- Limit to 7 grams in a day / 50 grams in a month per member.
- Can only be a member in one such organisation.





Question Time



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