VERŻJONI ELETTRONIKA

I assent.

(L.S.) **MARIE-LOUISE COLEIRO PRECA**
President

1st March, 2019

ACT No. V of 2019

AN ACT to amend the Medical and Kindred Professions Ordinance, Cap. 31, and the Dangerous Drugs Ordinance, Cap. 101, to implement Directive (EU) 2017/2103.

Short title and scope.

Cap. 31.
Cap. 101.

1. (1) The short title of this Act is the Medical and Kindred Professions Ordinance and the Dangerous Drugs Ordinance (Amendment) Act, 2019 and this Act shall be read and construed as one with the Medical and Kindred Professions Ordinance and the Dangerous Drugs Ordinance respectively.

(2) This Act implements Directive (EU) 2017/2103 of the European Parliament and of the Council of 15 November 2017 amending Council Framework Decision 2004/757/JHA in order to include new psychoactive substances in the definition of "drug" and repealing Council Decision 2005/387/JHA.

PART I
Amendments to the Medical and Kindred Professions Ordinance

Amendments to the Medical and Kindred Professions Ordinance. Cap. 31.

2. This Part amends the Medical and Kindred Professions Ordinance, and it shall be read and construed as one with the Medical and Kindred Professions Ordinance, hereinafter in this part referred to as "the Ordinance".

Addition of new article 118A to the Ordinance.

3. Immediately after article 118 of the Ordinance there shall be added following new article:

"Definitions.

118A. (1) For the purposes of this Ordinance and all regulation and rules thereunder:

(a) "drug" means any of the following:

(i) a substance covered by the 1961 United Nations Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, or by the 1971 United Nations Convention on Psychotropic Substances;

(ii) any of the substances listed in the Annex to the Council Framework Directive 2004/757/JHA;

(b) "new psychoactive substance" means a substance in pure form or in a preparation that is not covered by the 1961 United Nations Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, or by the 1971 United Nations Convention on Psychotropic Substances which may pose health or social risks similar to those posed by the substances covered by those Conventions;

(c) "preparation" means a mixture containing one or more new psychoactive substances.

(2) All necessary actions required for the implementation of the Council Framework Decision 2004/757/JHA shall be implemented as soon as possible, but no later than six (6) months after the entry into force by the act amending the Annex of the said Decision, and shall include a specific reference to the said Framework Decision.".

PART II
Amendments to the Dangerous Drugs Ordinance

Amendments to the Dangerous Drugs Ordinance. Cap. 101.

4. This Part amends the Dangerous Drugs Ordinance, and it shall be read and construed as one with the Dangerous Drugs Ordinance, hereinafter in this part referred to as "the Ordinance".

Amendment of article 2 of the Ordinance.

5. Sub-article (1) of article 2 of the Ordinance shall be amended as follows:

(a) immediately after the definition "cocoa leaves" there shall be added the following new definition:

" "drug" means any of the following:

(i) a substance covered by the 1961 United Nations Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, or by the 1971 United Nations Convention on Psychotropic Substances;

(ii) any of the substances listed in the Annex to the Council Framework Directive 2004/757/ JHA;";

(b) immediately after the definition "medicinal opium" there shall be added the following new definitions:

" "new psychoactive substance" means a substance in pure form or in a preparation that is not covered by the 1961 United Nations Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, or by the 1971 United Nations Convention on Psychotropic Substances which may pose health or social risks similar to those posed by the substances covered by those Conventions;"; and

" "preparation" means a mixture containing one or more new psychoactive substances;".

Addition of new article 35 to the Ordinance.

6. Immediately after article 34 of the Ordinance there shall be

added the following new article:

"Implementation of the Council Framework Decision 2004/757/JHA.

35. All necessary actions required for the implementation of the Council Framework Decision 2004/757/JHA shall be implemented as soon as possible but not later than six (6) months after the entry into force by the act amending the Annex of the said Decision, and shall include a specific reference to the said Framework Decision.".

Passed by the House of Representatives at Sitting No. 201 of the 25th February, 2019.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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