

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

16th May, 2025

ACT No. XII of 2025

AN ACT to amend various laws relating to cannabis activities and any matters ancilliary and, or consequential thereto.

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:-

1. The short title of this Act is the Various Laws relating to Cannabis Activities (Amendment) Act, 2025. Short title.

Part I
Amendments to the Dangerous Drugs Ordinance

2. This Part amends the Dangerous Drugs Ordinance and shall be read and construed as one with the Dangerous Drugs Ordinance, hereinafter in this Part referred to as the "principal law". Amendments to the Dangerous Drugs Ordinance. Cap. 101.

3. Article 2 of the principal law shall be amended as follows: Amendment of article 2 of the principal law.

(a) in the definition "Cannabis", the words "or cannabinoid products containing not more than zero point two (0.2) percent of tetrahydrocannabinol (THC);" shall be substituted by the words "or inflorescence, leaves, extracts and products derived from non-psychoactive phytocannabinoids containing not more than zero point two (0.2) percent of

psychoactive cannabinoids:";

(aa) immediately after the definition "Cannabis" there shall be added the following new proviso:

"Provided that synthetic cannabinoids and synthetic cannabinoid products, in any form or manner of presentation, including but not limited to any matter originally derived from the cannabis plant which has been processed, refined or otherwise chemically altered, as well as manufactured products, edible products, liquids, powders, or vapourisable substances, shall be deemed to constitute a prohibited drug punishable in the same manner and to the same extent as offences relating to cannabis;"

(b) immediately after the definition "new psychoactive substance" there shall be added the following new definition:

Cap. 628. "non-psychoactive phytocannabinoids" means such products as the Minister responsible for the Authority on the Responsible Use of Cannabis Act may by regulations, from time to time, include in Part I of the Fifth Schedule to this Ordinance;"

(c) immediately after the definition "prepared opium" there shall be added the following new definition:

Cap. 628. "psychoactive cannabinoids" means such products as the Minister responsible for the Authority on the Responsible Use of Cannabis Act may by regulations, from time to time, include in Part II of the Fifth Schedule to this Ordinance;"

(d) immediately after the definition "raw opium" there shall be added the following new definition:

"synthetic cannabinoids" means fully synthetic or semi-synthetic cannabinoids, whether or not they occur naturally in trace amounts in the cannabis plant, that are chemically processed or refined to act on cannabinoid receptors and produce psychoactive effects, as the Minister responsible for the Authority on the Responsible Use of Cannabis Act may, by regulations made from time to time, include in Part III of the Fifth Schedule to this Ordinance;"

4. Immediately after sub-article (2) of article 34 of the principal law there shall be added the following new sub-article: Amendment of article 34 of the principal law.

"(3) The Minister responsible for the Authority on the Responsible Use of Cannabis Act may, for the purposes of public health and harm reduction, by regulations amend the Fifth Schedule to this Ordinance, where it appears that a particular phytocannabinoid or cannabinoid shall be classified as non-psychoactive or psychoactive as well as when it appears that cannabinoids shall be classified as synthetic cannabinoids."

5. Immediately after the Fourth Schedule to the principal law there shall be added the following new Schedule: Addition of a Schedule to the principal law.

"FIFTH SCHEDULE

(Article 2)

Part I

Non-psychoactive phytocannabinoids

CBD, Cannabidiol
CBG, Cannabigerol
CBC, Cannabichromene
CBDV, Cannabidivarine

Part II

Psychoactive cannabinoids

THC, Tetrahydrocannabinol

Part III

Synthetic cannabinoids

HHC, hexahydrocannabinol
HHC-O acetate, HHCO, HHCOA, hexahydrocannabinol O-Acetate
HHC-P, hexahydrocannabiphorol
H4-CBD, tetrahydrocannabidiol, Hydrogenated CBD, THD, cyclohexyl CBD
THC-P, tetrahydrocannabiphorol, Delta-9-THCP
HHCH, hexahydrocannabihexol, HHC-H
Delta-8-THCP, delta-8-Tetrahydrocannabiphorol, JWH 091, THC-heptyl

THCB, Tetrahydrocannabitol, Delta-9-THCB, Delta-9-THC-C4, Delta-9-THC-butyl
 9-OH-HHC, 9-Hydroxyhexahydrocannabinol, 9-hydroxy-HHC
 delta-8-THC acetate, Δ8-Tetrahydrocannabinol Acetate Δ8-THC-O-Acetate
 Delta-8-THC methylether, 1-methyl-Δ8-THC; Δ8-Tetrahydrocannabinol methylether
 Delta-9-THCP acetate, Δ9-Tetrahydrocannabiphorol Acetate; delta-9-THC-C7-Acetate
 delta-9-THCH, delta-9-Tetrahydrocannabihexol, delta-9-THC-C6
 HHC-P-O-acetate, hexahydrocannabiphorol acetate
 Delta-8-THCH, delta-8-tetrahydrocannabihexol delta-8-THC-C6
 CC9 (9R-Hexahydrocannabinol-C9)
 Delta-9-THC-JD, 3-octyl-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran-1-ol, delta-9-THC-C8".

Part II

Amendments to the Drug Dependence (Treatment not Imprisonment) Act

Amendments to the Drug Dependence (Treatment not Imprisonment) Act.
 Cap. 537.

6. This Part amends the Drug Dependence (Treatment not Imprisonment) Act and shall be read and construed as one with the Drug Dependence (Treatment not Imprisonment) Act, hereinafter in this Part referred to as the "principal Act".

Amendment of article 4A of the principal Act.

7. Sub-article (3) of article 4A of the principal Act shall be substituted by the following new sub-article:

"(3) A person who consumes the drug cannabis, other than as may be authorised for medical reasons:

- (a) in any public place;
- (b) in any place which is accessible to the public whether upon payment or otherwise;
- (c) in any place where the odour emission resulting from the consumption of cannabis causes a nuisance to third parties,

shall on conviction be liable to a penalty of two hundred and thirty-five euro (€235), to be imposed in accordance with the provisions of the Commissioners for Justice Act."

Cap. 291.

8. Article 7 of the principal Act shall be amended as follows:

Amendment of
article 7 of the
principal Act.

(a) in paragraph (a) of sub-article (1) thereof, immediately after the words "visible to the public" there shall be added the words "or in a manner which causes nuisance to third parties through the emission of odour emanating from the cannabis plants as well as such cultivation shall not occur in a manner that renders the cannabis plants visible or accessible to minors";

(b) in sub-article (3) thereof the words "and of article 7A" shall be deleted;

(c) immediately after sub-article (3) thereof there shall be added the following new sub-articles:

"(4) Any person who cultivates up to four (4) cannabis plants in contravention of the provisions of paragraph (a) of sub-article (1) shall be guilty of an offence and shall be liable to a penalty of not less than three hundred euro (€300) and not more than five hundred euro (€500), which shall be imposed in accordance with the provisions of the Commissioners for Justice Act:

Cap. 291.

Provided that in such instances, the Executive Police or any other authority or regulatory body authorised by law shall have the authority to seize and confiscate the cannabis plants.

(5) Any person who cultivates up to four (4) cannabis plants at a location other than the residential address registered on an official document establishing their place of residence, as prescribed in sub-article (1) shall, unless the circumstances indicate that such cultivation is intended for trafficking purposes, be liable to a penalty of not less than seven hundred euro (€700) and not more than one thousand euro (€1,000), which shall be imposed in accordance with the provisions of the Commissioners for Justice Act:

Cap. 291.

Provided that in such instances, the Executive Police or any other authority or regulatory body authorised by law shall have the authority to seize and confiscate the cannabis plants.

(6) The Minister responsible for the Authority on the Responsible Use of Cannabis Act may make regulations for the better implementation of the provisions of this article and, without prejudice to the generality of the aforesaid, such regulations may also prescribe conditions to ensure compliance with the requirements set out herein."

9. Article 7A of the principal Act shall be amended as follows:

(a) sub-article (2) thereof shall be amended as follows:

(i) in paragraph (b) thereof the words "to the said organisation;" shall be substituted by the words "to the said organisation:" and immediately thereafter there shall be added the following new proviso:

Cap. 492.

"Provided that in case of conflict, regulations made in accordance of sub-article (5) shall take precedence over the provisions of the Voluntary Organisations Act;"

(ii) paragraph (g) thereof shall be substituted by the following new paragraph:

"(g) any premises managed by the organisation shall not be within a distance of less than two hundred and fifty metres (250m) from the entrance of a school, sport facilities or youth centres;"

(iii) paragraph (k) thereof shall be substituted by the following new paragraph:

"(k) it shall not have more grams of cannabis than the amount which the Minister or the Authority on the Responsible Use of Cannabis shall determine according to the scale and the demands of the organisation by order in the Gazette or in any directive or legal instrument issued by the said Authority;"

(iv) in paragraph (p) thereof the words "without giving their personal details" shall be deleted;

(v) in paragraph (q) thereof the words "from time to time;" shall be substituted by the words "from time to

time:" and immediately thereafter there shall be added the following new provisos:

"Provided that the Authority on the Responsible Use of Cannabis shall verify compliance with this requirement on the basis of confidentiality and non-disclosure:

Provided further that the register of members and the information contained therein shall not be accessible or transferred to any entity, department, agency or authority and shall not be adduced as evidence in any proceedings before any court or tribunal, unless required in the conduct of investigating and prosecuting a criminal offence;"

(b) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) Any person or organisation who permits a person under the age of eighteen (18) years to be present in premises managed by an organisation as referred to in sub-article (1), shall be guilty of an offence under this Act and shall be liable, on conviction, to a fine (*multa*) of not less than three thousand euro (€3,000) and not more than ten thousand euro (€10,000).";

(c) sub-article (5) thereof shall be substituted by the following new sub-article:

"(5) The Minister responsible for the Authority on the Responsible Use of Cannabis Act may make regulations for the better implementation of the provisions of this article and, without prejudice to the generality of the aforesaid, such regulations may also provide for:

(a) the manner in which and the reasons for which any authorisation, permission or licence related to the provisions of this article shall be issued and be made subject to other conditions;

(b) in the case of a breach of article 7A or regulations made thereunder, the manner in which any authorisation, permission or licence may be withdrawn or suspended;

(c) the fees payable in respect of any authorisation, permit or licence after consultation with the Minister responsible for finance;

(d) the manner in which organisations are to be administered and managed and the measures that may be taken by the Authority on the Responsible Use of Cannabis to provide for the administration of organisations in extraordinary circumstances;

(e) the fines (*multa*) to which a person or organisation referred to in sub-article (1) or any other person or organisation who fails to observe the law, which shall amount to a fine (*multa*) of fifty thousand euro (€50,000), or double the value of the proceeds resulting from the offence, whichever is the higher, so however that one-half (1/2) of such amount shall be considered as a civil debt owed and payable to the Authority on the Responsible Use of Cannabis in respect of which there is an executive title."

Addition of new articles to the principal Act.

10. Immediately after article 7A of the principal Act, as amended, there shall be added the following new articles:

"Offences to be tried by the Court of Magistrates and sanction of the Authority on the Responsible Use of Cannabis.

7B. (1) The Court of Magistrates in its criminal jurisdiction, shall be the competent court to take cognizance of offences mentioned in the preceding article and, or any regulations made thereunder.

(2) No criminal proceedings in accordance with the preceding article or any other regulatory instruments shall be taken except at the request or with the authorisation of the Authority on the Responsible Use of Cannabis, and proceedings that have been so taken may, at any time before final judgment, be withdrawn at the request of the Authority on the Responsible Use of Cannabis:

Cap. 9.

Provided that this shall apply unless the fact also relates to a more serious offence under the Criminal Code or any other law, in which case the provisions of the Criminal Code or of such other law shall apply.

Cap. 9.

(3) Notwithstanding the provisions of the Criminal Code, the Attorney General shall have a right of appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates in respect of criminal proceedings mentioned in article 7A or any other regulatory instrument.

(4) In any criminal proceedings in accordance with the preceding article or any regulations made thereunder, any officer of the Authority on the Responsible Use of Cannabis may, notwithstanding the provisions of any other law, produce the evidence, plead and otherwise conduct the prosecution jointly with the Police.

(5) Should the evidence of the officer designated by the Authority on the Responsible Use of Cannabis as aforesaid be required as part of the case for the prosecution, he shall be heard by the said Court before assuming the duties of a prosecuting officer unless the necessity of his giving evidence arises at a later stage:

Provided that said officer may state the facts constituting the offence before giving evidence.

Administrative penalties by agreement and other sanctions.

7C. (1) Notwithstanding any other provision of this Act, and without prejudice to any other proceedings to which the person or organisation may be subjected to under any other law, in the case of any breach mentioned in article 7A of this Act or regulations made thereunder, the Authority on the Responsible Use of Cannabis may, with the concurrence of the person or organisation committing the breach and subject to the rectification of the breach, impose an administrative penalty amounting to not less than seventy five percent (75%) of the minimum fine (*multa*) attributable to the offence in question as an alternative to criminal court proceedings. Upon conclusion of such agreement, the offender's criminal liability with regard to the offence or offences in relation to which the agreement has been entered, shall be extinguished:

Provided that the agreement shall not be concluded and the criminal liability of the offender shall not be extinguished unless the agreement is accompanied by the payment of the sum due or the provision of sufficient security for its payment, in the case of an administrative penalty, or in the case of another form of sanction by adherence thereto or sufficient security of adherence:

Provided further that the agreement and payment of any administrative penalty due in virtue thereof, shall not exonerate the person or organisation responsible for a breach, from rectifying such breach and duly comply with article 7A of this Act and, or other applicable regulatory instruments.

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(2) The provisions of sub-article (1) shall apply also in any case where the offender has been charged before a court in relation to the offence, but before final judgement has been given in the case.

(3) Any imposition of an administrative penalty shall be without prejudice to the right of the Authority on the Responsible Use of Cannabis to recover any and all fees, contributions, levies, taxes and other dues which are imposed by article 7A and, or any other regulatory instruments, that remain unpaid after their due date. Such fees and taxes shall be due to the Authority on the Responsible Use of Cannabis as a civil debt and shall upon the service by judicial act of a copy of a notice for payment on the person or organisation specified in the notice, constitute an executive title for all effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.

Cap. 12.

Part III Amendments to the Authority on the Responsible Use of Cannabis Act

Amendments to
the Authority on
the Responsible
Use of Cannabis
Act.
Cap. 628.

11. This Part amends the Authority on the Responsible Use of Cannabis Act and shall be read and construed as one with the Authority on the Responsible Use of Cannabis Act, hereinafter in this Part referred to as the "principal Act".

Amendment of
article 3 of the
principal Act.

12. Sub-article (3) of article 3 of the principal Act shall be amended as follows:

(a) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) act as regulator and to implement any function which may be assigned to it in accordance with any law with regard to any activity which involves the cultivation, processing or distribution of any part of the cannabis plant, its derivatives or products related to the cannabis plant, including also activities conducted by entities or organisations falling beyond the scope of article 7A of the Drug Dependence (Treatment not Imprisonment) Act but excluding activities carried out pursuant to the Production of Cannabis for Medicinal and Research Purposes Act;"

Cap. 537.

Cap. 578.

(b) in paragraph (p) thereof the words "aims of the Authority." shall be substituted by the words "aims of the

Authority;" and immediately thereafter there shall be added the following new paragraph:

"(q) with the written authorisation of any other competent public body, carry out enforcement of any other legislation related to cannabis which would have otherwise been vested with said competent public body."

13. Article 20 of the principal Act shall be substituted by the following new article: Amendment of article 20 of the principal Act.

Cap. 537.

"20. The Minister may make regulations for the better implementation of the provisions of this Act and any other Act which enables him to do so, including but not limited to powers conferred to him by article 7A of the Drug Dependence (Treatment not Imprisonment) Act and, without prejudice to the generality of the aforesaid, those regulations may provide for the better implementation and enforcement of the Act, or the setting of time frames and conditions, and to establish the administrative penalties and punishments applicable for any breach of the law."

Passed by the House of Representatives at Sitting No. 340 of the 12th May, 2025.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

