Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,959, 9 ta' Marzu, 2018
Taqsima A

MALTA

ATT Nru V tal-2018

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT biex jemenda l-Att dwar Dipendenza fuq id-Droga (Trattament mhux Priġunerija), Kap 537.

ACT No. V of 2018

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

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

9 ta' Marzu, 2018

ATT Nru V tal-2018

ATT biex jemenda l-Att dwar Dipendenza fuq id-Droga (Trattament mhux Priġunerija), Kap 537.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, ħarġet b'liġi dan li ġej:-

Titolu fil-qosor u bidu fis-seħħ.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2018 li jemenda l-Att dwar Dipendenza fuq id-Droga (Trattament mhux Priġunerija), u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar Dipendenza fuq id-Droga (Trattament mhux Priġunerija), hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Kap. 537.

(2) Dan l-Att għandu jidħol fis-seħħ fid-data li l-Ministru jistabbilixxi b'avviż fil-Gazzetta.

Emenda tal-artikolu 2 tal-Att prinċipali.

2. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih qabel it-tifsira "drogi projbiti", għandhom jiżdiedu t-tifsiriet ġodda li ġejjin:

" "*Cannabinoid*" tfisser waħda minn grupp ta' komponenti li tinstab biss fil-pjanta tal-Cannabis;";

" "*Cannabinoid* sintetiċi" tfisser sustanzi li għandhom elementi strutturali li jistgħu jingħaqdu marriċettaturi tal-*cannabinoid*, jiġifieri CB1 jew CB2, li huma fiċ-ċelloli umani, kif ukoll elementi oħra li għandhom kompożizzjoni kimika simili;";

(b) fit-tifsira "Ministru" minnufih wara l-kliem "responsabbli għall-ġustizzja" għandhom jidħlu l-kliem "sakemm ma jkunx speċifikat mod ieħor";

(ċ) minnufih wara t-tifsira "Ministru", għandha tiżdied it-tifsira ġdida li ġejja:

" "Prattika Tajba ta' Manifattura" tfisser dik il-parti ta' assigurazzjoni ta' kwalità li taċċerta li l-prodotti jkunu kostantement manifatturati u kkontrollati skont il-livelli ta' kwalità relattivi għall-użu maħsub u skont il-linji gwidi ta' prattiċi tajba ta' manifattura kurrenti u dettaljati kif ippubblikati mill-Kummissjoni tal-Unjoni Ewropea".

Emenda tal-artikolu 10 tal-Att prinċipali.

3. L-artikolu 10 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) l-artikolu preżenti għandu jiġi enumerat mill-ġdid bħala l-artikolu 10(1) u għandu jiġi sostitwit b'dan li ġejjin:

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"(1) Tabib liċenzjat reġistrat skont l-Att dwar il-Professjonijiet tas-Saħħa għandu l-jedd li jippreskrivi lill-pazjenti preparazzjonijiet mediċinali tal-pjanta kannabis u prodotti *Cannabinoid* sintetiċi li jkunu

Kap. 458

liċenzjati taħt l-Att dwar il-Mediċini jew manifatturati taħt Prattika Tajba ta' Manifattura, jekk jiġi meqjus illi ma jkunx hemm alternattiva vijabbli għal dik il-preskrizzjoni wara li jkun ħa kont kif jixraq ta' xi protokolli li jistgħu jkunu fis-seħħ minn żmien għal żmien dwar il-preskrizzjoni ta' mediċini, tal-interessi tal-pazjent u tal-ispejjeż."; u

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandhom jiżdiedu s-subartikoli ġodda li ġejja:

"(2) L-ebda waħda mill-preparazzjonijiet imsemmija fis-subartikolu (1) ma tista' tkun indikata għat-tipjip u lanqas f'xi forma għat-tipjip.

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(3) Id-dispożizzjonijiet tal-Att dwar il-Mediċini, għandhom, *mutatis mutandis*, japplikaw u għandhom u ukoll, *mutatis mutandis*, japplikaw id-dispożizzjonijiet

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tar-Regolamenti dwar il-Kontroll tal-Mediċini, fir-rigward tad-dokument ta' kontroll:

Iżda l-ebda preskrizzjonijiet urġenti ma għandhom jitħallew isiru fir-rigward ta' dawn il-preparazzjonijiet.

(4) It-tabib għandu japplika għall-preparazzjonijiet imsemmija fis-subartikolu (1) fuq bażi tal-isem tal-pazjent kif ordnat mis-Suprintendent tas-Saħħa Pubblika.

(5) Preparazzjonijiet imsemmija fis-subartikolu (1) għandhom jiġu mogħtija biss minn spiżjar ġewwa spiżerija liċenzjata.

(6) Preparazzjonijiet imsemmija fis-subartikolu (1) jistgħu jiġu importati biss minn *wholesaler* liċenzjat jew manifattur liċenzjat.".

Emenda tal-artikolu 12 tal-Att prinċipali.

4. L-artikolu 12 tal-Att prinċipali għandu jiġi enumerat bħala l-artikolu 12 (1) u minnufih wara għandu jiġi miżjud is-subartikolu (2) ġdid li ġej:

"(2) Il-Ministru responsabbli għas-saħħa jista' jagħmel regolamenti għall-implimentazzjoni aħjar tad-dispożizzjonijiet tal-artikolu 10 ta' dan l-Att.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 90 tas-6 ta' Marzu, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

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;

"(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 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

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(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.

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(3) The provisions of the Medicines Act, shall, *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.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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