

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,085, 9 ta' Novembru, 2018
Taqsimha C

Nru. 66

9. 11. 2018

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Owen Bonnici, Ministru għall-Ġustizzja, Kultura u Gvern Lokali, f'isem id-Deputat Prim Ministru u Ministru għas-Saħħa, u moqri għall-Ewwel darba fis-Seduta tal-31 ta' Ottubru, 2018.

A BILL introduced by the Honourable Owen Bonnici, Minister for Justice, Culture and Local Government, on behalf of the Deputy Prime Minister and Minister for Health, and read the First time at the Sitting of the 31st October, 2018.

ATT biex jemenda l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, Kap. 31, u l-Ordinanza dwar Mediċini Perikolużi, Kap. 101, sabiex tiġi implimentata d-Direttiva 2017/2103 (UE).

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

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, Kap. 31, u l-Ordinanza dwar Mediċini Perikolużi, Kap. 101, sabiex tiġi implimentata d-Direttiva 2017/2103 (UE).

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2018 li jemenda l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha u l-Ordinanza dwar Mediċini Perikolużi u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha u mal-Ordinanza dwar il-Mediċini Perikolużi, rispettivament.

Titolu fil-qosor
u skop.

Kap. 31.

Kap. 101.

(2) Dan l-Att jimplementa d-Direttiva (UE) 2017/2103 tal-Parlament Ewropew u tal-Kunsill tal-15 ta' Novembru 2017 li temenda d-Deciżjoni Kwadru tal-Kunsill 2004/757/ĠAI sabiex id-definizzjoni ta' "droga" tinkludi sustanzi psikoattivi godda u li thassar id-Deciżjoni tal-Kunsill 2005/387/ĠAI.

TAQSIMA I

Emendi għall-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha

2. Din il-Taqsima temenda l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, hawn iżjed 'il quddiem imsejjha "l-Ordinanza".

Emendi għall-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha.
Kap 31.

3. Minnufih wara l-artikolu 118 tal-Ordinanza, għandu jizjed l-artikolu ġdid li ġej:

Żjieda tal-artikolu 118A mal-Ordinanza.

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"Tifsir.

118A. (1) Għall-finijiet ta' din l-Ordinanza u għal kull regolament u regoli taħtha:

(a) "droga" tfisser kwalunkwe waħda minn dawn li ġejjin:

(i) sustanza koperta mill-Konvenzjoni Unika tan-Nazzjonijiet Uniti dwar id-Drogi Narkotiċi tal-1961, kif emendata bil-Protokoll tal-1972, jew bil-Konvenzjoni tan-Nazzjonijiet Uniti dwar Sustanzi Psikotropiċi tal-1971;

(ii) kwalunkwe sustanza elenkata fl-Anness tad-Deċiżjoni Kwadru tal-Kunsill 2004/757/ĠAI;

(b) "preparazzjoni" tfisser taħlita li fiha sustanza psikoattiva ġdida waħda jew aktar;

(ċ) "sustanza psikoattiva ġdida" tfisser sustanza f'forma pura jew fi preparazzjoni li mhijiex koperta mill-Konvenzjoni Unika tan-Nazzjonijiet Uniti dwar id-Drogi Narkotiċi tal-1961, kif emendata bil-Protokoll tal-1972, jew bil-Konvenzjoni tan-Nazzjonijiet Uniti dwar Sustanzi Psikotropiċi tal-1971 li tista' tohloq riskji għas-saħħa jew fil-livell soċjali simili għal dawk maħluqa mis-sustanzi koperti minn dawk il-Konvenzjonijiet.

(2) Kull azzjoni neċessarja meħtieġa biex jiġu implimentati d-dispożizzjonijiet tad-Deċiżjoni Kwadru tal-Kunsill 2004/757/ĠAI għandha tiġi implimentata mill-aktar fiess possibli, iżda mhux iktar tard minn sitt (6) xhur wara li jkun daħal fis-seħħ l-att delegat li jemenda l-Anness tal-imsemmija Deċiżjoni, u għandha tinkludi referenza għall-istess Deċiżjoni Kwadru."

TAQSIMA II

Emendi għall-Ordinanza dwar il-Mediċini Perikolużi

Emendi għall-Ordinanza dwar il-Mediċini Perikolużi Kap 101.

4. Din il-Taqsima temenda l-Ordinanza dwar il-Mediċini Perikolużi, u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza dwar il-Mediċini Perikolużi, hawn iżjed 'il quddiem imsejja "l-Ordinanza".

5. Is-subartikolu (1) tal-artikolu 2 tal-Ordinanza għandu jiġi emendat kif ġej: Emenda tal-artikolu 2 tal-Ordinanza.

(a) minnufih qabel it-tifsira "esportazzjoni" għandha tiżdied it-tifsira l-ġdida li ġejja:

" "droga" tfisser kwalunkwe waħda minn dawn li ġejjin:

(i) sustanza koperta mill-Konvenzjoni Unika tan-Nazzjonijiet Uniti dwar id-Drogi Narkotiċi tal-1961, kif emendata bil-Protokoll tal-1972, jew bil-Konvenzjoni tan-Nazzjonijiet Uniti dwar Sustanzi Psikotropiċi tal-1971;

(ii) kwalunkwe sustanza elenkata fl-Anness tad-Deċiżjoni Kwadru tal-Kunsill 2004/757/ĠAI;"

(b) minnufih wara t-tifsira "oppju mhux maħdum", għandha tiżdied it-tifsira l-ġdida li ġejja:

" "preparazzjoni" tfisser taħlita li fiha sustanza psikoattiva ġdida waħda jew aktar;"

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

" "sustanza psikoattiva ġdida" tfisser sustanza f'forma pura jew fi preparazzjoni li mhijiex koperta mill-Konvenzjoni Unika tan-Nazzjonijiet Uniti dwar id-Drogi Narkotiċi tal-1961, kif emendata bil-Protokoll tal-1972, jew bil-Konvenzjoni tan-Nazzjonijiet Uniti dwar Sustanzi Psikotropiċi tal-1971 li tista' toħloq riskji għas-saħħa jew fil-livell soċjali simili għal dawk maħluqa mis-sustanzi koperti minn dawk il-Konvenzjonijiet."

6. Minnufih wara l-artikolu 34 tal-Ordinanza għandu jiżdied l-artikolu ġdid li ġej: Żjieda tal-artikolu 35 ġdid mal-Ordinanza.

"Implimentazzjoni tad-Deċiżjoni Kwadru tal-Kunsill 2004/757/ĠAI.

35. Kull azzjoni neċessarja meħtieġa biex jiġu implimentati d-dispożizzjonijiet tad-Deċiżjoni Kwadru tal-Kunsill 2004/757/ĠAI għandha tiġi implimentata mill-aktar fiss possibli, iżda mhux iktar tard minn sitt (6) xhur wara li jkun daħal fis-seħħ l-att delegat li jemenda l-Anness tal-imsemmija Deċiżjoni, u għandha tinkludi referenza għall-istess Deċiżjoni Kwadru."

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Ghanijiet u Raġunijiet

L-ghan ta' dan l-abbozz huwa sabiex jemenda l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha u l-Ordinanza dwar il-Mediċini Perikolużi biex tiġi implimentata d-Direttiva (UE) 2017/2103 tal-Parlament Ewropew u tal-Kunsill tal-15 ta' Novembru 2017 li temenda d-Deċiżjoni Kwadru tal-Kunsill 2004/757/ĠAI sabiex id-definizzjoni ta' "droga" tinkludi sustanzi psikoattivi ġodda u li tħassar id-Deċiżjoni tal-Kunsill 2005/387/ĠAI.

**A BILL
entitled**

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

1. (1) The short title of this Act is the Medical and Kindred Professions Ordinance (Amendment) Act and the Dangerous Drugs Ordinance (Amendment) Act, 2018 and this Act shall be read and construed as one with the Medical and Kindred Professions Ordinance and the Dangerous Drugs Ordinance respectively.

Short title and scope.

Cap. 31.
Cap. 101.

(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

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".

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

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

Addition of new article 118A to the Ordinance.

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

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

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(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 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 "Indian hemp", there shall be added the following new definition:

" "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

(c) immediately after the definition "medicinal hemp", there shall be added the following new definition:

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

6. Immediately after article 34 of the Ordinance, there shall be added the following new article:

Addition of new article 35 to the Ordinance.

"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."

Objects and reasons

The objects of this Bill are to amend the Medical and Kindred Professions Ordinance and the Dangerous Drugs Ordinance to implement 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, 2018.

