

MALTA

ATT Nru V tal-2019

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

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

ACT No. V of 2019

AN ACT enacted by the Parliament of Malta.

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.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

1 ta' Marzu, 2019

ATT Nru V tal-2019

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2019 li jemenda l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha u l-Ordinanza dwar il-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 tħassar id-Deciżjoni tal-Kunsill 2005/387/ĠAI.

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

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

2. Din it-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 imsejha "l-Ordinanza".

Żieda tal-artikolu ġdid 118A mal-Ordinanza.

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

"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 tiġi implimentata d-Deċiżjoni Kwadru tal-Kunsill 2004/757/ĠAI għandha tiġi implimentata mill-aktar fis possibbli, 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

4. Din it-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 imsejha "l-Ordinanza".

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

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

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

A 164

Psikotropiċi tal-1971 li tista' toħloq riskji għas-saħħa jew fil-livell soċjali simili għal dawk maħluqa mis-sustanzi koperti minn dawk il-Konvenzjonijiet;".

Żieda tal-
artikolu ġdid 35
mal-Ordinanza.

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

"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 fis possibbli, 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."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 201 tal-25 ta' Frar, 2019.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

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.

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.

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

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

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".

Amendments to the Dangerous Drugs Ordinance. Cap. 101.

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

Amendment of article 2 of the Ordinance.

(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;"

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

Addition of new article 35 to the Ordinance.

A 168

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

VERŻJONI ELETTRONIKA