

A vertical photograph on the left side of the page showing a long aisle in a cannabis cultivation facility. The aisle is lined with white metal shelving units, likely for growing cannabis plants. The lighting is bright and even, and the perspective is from the end of the aisle looking down its length.


DIRECTIVE ON APPROVED PREMISES

For the seed to distribution process
of cannabis for responsible adult
use

VERSION: 1.1

UPDATED: 23RD MARCH 2023

A large, curved yellow shape in the bottom right corner of the page, resembling a stylized arc or a partial circle.



Directive 3 of 2023

In exercise of the power conferred by Article 43 and Article 52 of SL 628.01, the Authority for the Responsible Use of Cannabis (“the Authority”) is hereby issuing the following directive on the procedure and requirements for premises to be considered as approved premises.

The Authority reserves the right to amend this instrument at any time. The Authority shall not be held liable for any costs incurred in ensuring compliance to this instrument, including costs incurred in adjusting operations in line with subsequent amendments.

Effective date: 3rd March 2023

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DEFINITIONS

“Authority” shall mean the Authority for the Responsible Use of Cannabis as defined in Chapter 628 of the Laws of Malta.

“ARPA” shall mean the Agricultural and Rural Paying Agency; the entity responsible for the disbursement of financial assistance to agricultural holdings as defined in Subsidiary Legislation 146.03 and / or subsequent amendments.

“Association” shall mean a prospective or licensed Cannabis Harm Reduction Association (CHRA) as defined in Article 5 and as set-up in terms of Article 7A of the Drug Dependence (Treatment not Imprisonment) Act (Cap 537).

“Outside Development Zone” shall mean areas located outside the designated areas in the Local Plans where urban development is permitted, excluding rural settlements. Local Plans shall mean any Binding Instrument issued by the Planning Authority in terms of Chapter 552 of the Laws of Malta.

“Planning Permit Classes” shall mean the type of permitted activity allowed by the Planning Permit for any given property as defined in Subsidiary Legislation 552.15 and / or subsequent amendments.

PART 1 – REGULATIONS

1. No property may be used by an Association for any part of its operations without the prior approval of the Authority. A separate request for consideration of approval must be submitted for each property on the prescribed form.
2. The request must indicate the nature of the operations which shall be carried out from the property.
3. No property shall be considered for approval if any of their access points is located less than two hundred and fifty (250) metres from any property listed in article 43 of Subsidiary Legislation 628.01. Said distance shall be calculated through the shortest walking route.
4. Properties intended for the distribution of cannabis to the members shall be covered by a Planning Permit Class 4B. The Authority may, at its discretion, also approve properties built before 1967 not covered by such permit provided that they are already used as a retail shop. Furthermore, properties must also be compliant with Directive 1 of 2023 by the Authority.
5. Buildings intended for the cultivation and processing of cannabis must be covered by a Planning Permit in any class in categories 5 and 7. The Authority may, at its discretion, also approve properties built before 1967 not covered by such permit if they are already used for similar activities.
6. Non-permanent structures located Outside Development Zone must be covered with a Planning Permit which approves their current layout. Such sites must also be registered with ARPA and designated as not in receipt of any funding. All sites must also be compliant with Directive 1 of 2023.
7. The properties intended for the distribution of cannabis to the members must be retained segregated from the site from which the cultivation and processing shall take place even if the sites are physically interconnected.
8. The packaging and storage of cannabis may be carried out in either of the approved sites as long as the site complies with the requirements stipulated in Directive 1 of 2023.

9. The request must be accompanied by a declaration by an architect that :
 - a.confirms that the property is covered by all relevant permits, or that an application has been submitted to obtain the relevant permits and indicate the permit number/s or permit application number/s,
 - b.confirms that the property is compliant with all requirements of this directive,
 - c.is accompanied by an internal layout plan approved by the architect on a scale of one is to one hundred (1:100) which :
 - indicates the intended purpose of each part of the property,
 - indicates the intended purpose of each access point to the property (main entry / exit, emergency, etc),
 - indicate the area of each part of the property in square meters.
 - d.is accompanied by a site plan approved by the architect. The plan shall indicate the area of the property in square metres.
10. The request must also be accompanied by a declaration by the certified individual who compiled the security risk assessment as stipulated in Part III of Directive 1 of 2023 which :
 - a.confirms that the property complies with the risk assessment,
 - b.indicates all security features on an internal layout plan.
11. The request must be accompanied by the certificate issued by ARPA, if applicable.
12. The request shall be accompanied by a declaration by the founders that the association, once registered, shall hold the necessary legitimate rights over the premises, and shall continue to hold such rights for the entire term of the permit. This declaration must be accompanied with the relevant supporting documentation such as a letter of commitment by the owner of the property.
13. Associations must ensure that the premises are in full compliance with all laws and regulations including health and safety regulations.
14. The Approved Premises pertaining to the distribution process shall receive members solely between the hours of nine in the morning and nine in the evening (9am - 9pm).
15. No signs, words or designs which may indicate the intended purpose of the premises may be affixed in such manner that they may be visible from outside.

- Without prejudice to any other law or regulatory instrument, when considering whether or not premises are Approved Premises, the Authority shall, inter alia, also consider whether approving of said premises may lead to a concentration of such premises in any area within a specified locality, or part thereof, as well as any other factor and/or requirement, as the Authority may consider it objectively and reasonably justified and appropriate, to fulfil its functions and regulatory objectives.
- The authority shall not approve any proposed premises if it considers, on reasonable grounds, that there will be a negative impact on the amenity of the general area or the wider community where the proposed premises are situated.
- The Authority may, at its discretion, appoint an independent certified architect and, or surveyor, to perform an audit of the proposed premises to verify that it complies with its requirements. The cost of the independent certified architect will be borne by the Authority.

ARUC
Authority for the
Responsible Use of Cannabis