

LAW 13/2017, of July 6, of cannabis consumer associations

The president of the Generalitat of Catalonia

Be known to all the citizens that the Parliament of Catalonia has approved and I, in the name of the King and in accordance with what stipulated in Article 65 of the Statute of Autonomy of Catalonia, promulgated the following

LAW

Preamble

Chapter I. General Provisions

Article 1. Purpose

Article 2. Purposes

Article 3. Scope of application

Article 4. Definitions

Chapter II. Constitution of cannabis consumer associations

Article 5. Constitution, legal personality and registry obligations

Article 6. Founding Members

Article 7. Specific objectives

Article 8. Organization and number of meetings

Chapter III. Conditions for admission to cannabis users' associations and rights and duties of associates

Article 9. Conditions of membership

Article 10. Requirements of the guarantee to acquire the condition of associate

Article 11. Rights of associates

Article 12. Rights of associates

Article 13. Loss of associate status

Article 14. Prohibition of the transmission of associate status

Chapter IV. Documentary obligations of cannabis consumer associations

Article 15. Documentary obligations of cannabis consumer associations

Article 16. Associate Registration Book

Article 17. Self-supply registration book

Chapter V. Self-sufficiency

Article 18. Production and storage for self-supply

Article 19. Transport

Article 20. Distribution of cannabis

Chapter VI. Cannabis consumer clubs. Limitations on advertising of associations and clubs

Article 21. Access and privacy

Article 22. Conditions of club spaces

Article 23. Activities of clubs

Article 24. Limitations on advertising of associations and identification of club headquarters

Chapter VII. Hygiene and sanitary control measures and risk prevention and harm reduction management programs

Article 25. Control measures by associations of the distribution of cannabis

Article 26. Periodic monitoring of the hygienic and sanitary conditions of the substance

Article 27. Collaboration with public health agencies and entities and specialized services of associations

Article 28. Information to users and risk prevention actions

Chapter VIII. Collaboration with other administrations

Article 29. Principle of collaboration

Article 30. Municipal competences

Chapter IX. Powers of inspection and control and sanctioning regime

Article 31. Powers of inspection and control

Article 32. General principles of the sanctioning system

Article 33. Offenses

Article 34. Subjects responsible for infractions

Article 35. Penalties applicable to cannabis consumer associations

Article 36. Sanctioning power

Article 37. Sanctioning procedure and provisional measures

Article 38. Prescription of infringements and sanctions

Additional Provisions

First. Commission to monitor the implementation of the Law

Second. Collective negotiation

Third. Equalization of associations and clubs of cannabis users with the private smoking clubs referred to in State Law 28/2005

Quarter. Promotion of scientific research initiatives

TRANSITIONAL PROVISION. Adaptation of existing associations of cannabis users prior to the entry into force of the Law

Final Provisions

First. Analysis of fiscal measures

Second. Regulatory development

Third. Entry into force

Preamble

Article 4 of the Statute of Autonomy of Catalonia states that the public authorities of Catalonia must promote the full exercise of the freedoms and rights recognized by the Statute itself, the Spanish Constitution, the European Union, the Universal Declaration of Human Rights, the Convention European Convention for the Protection of Human Rights and other international treaties and conventions signed by Spain which recognize and guarantee fundamental rights and freedoms. Likewise, Article 15 recognizes that individuals have the right to the free development of their personality and personal capacity.

With regard to the competence framework of this law, reference must first be made to Article 28 of the Statute. This article recognizes the right to protection of the health of consumers and users and the right to enjoy a system of guarantees of products purchased. Likewise, Article 49 of the Statute, reproducing what is established by Article 51 of the Constitution, provides that public authorities must ensure the protection of health, security and the defense of the rights and legitimate interests of consumers, And also that they should support consumer organizations and users. On the other hand, Article 123 of the Statute establishes that the Generalitat has exclusive competence in matters of consumption, which includes, in any case, the defense of the rights of consumers and users, proclaimed by the aforementioned Article 28. It must be remembered , Furthermore, that the Generalitat, respecting the basic conditions that the State establishes, by reservation of organic law, to guarantee equality in the exercise of the right of association, has exclusive competence in matters of associations according to article 118 of the Statute, as well as As in the matter of publicity, without prejudice of the mercantile legislation of the State.

Cannabis use by adults in the private sphere, whether for recreational reasons or for therapeutic reasons, is an option that is part of the exercise of the fundamental right to the free development of personality, the right to freedom of conscience and Of disposition of the own body, as well as of the right to the health and to choose the therapies and the treatments more adapted to the state of health of each person.

After more than half a century of prohibitionist and repressive policies towards the use of cannabis carried out both in Catalonia and in much of the world, there is in

our country a significant part of the population that consumes this substance in a situation of legal and health insecurity Which entails unjust discrimination and violation of their fundamental rights. These policies have led to the existence of a clandestine market that supplies cannabis without any quality control, with an absolute lack of consumer information about the properties of the product, as well as an environment that makes it difficult to know and apply public health policies Aimed at minimizing risks and reducing harm from cannabis use.

Citizen participation is a key element in the functioning of the democratic system. Popular sovereignty is exercised through the different channels of participation established by the Constitution, the Statute and local government legislation, both state and autonomous.

In this sense, Catalan civil society has historically been a key element in the defense of the interests and rights of citizens, and also in the initiative of their aspirations.

Since the Ramón Santos Association for Cannabis Studies (ARSEC), recognized as the first association of cannabis users to carry out collective cultivation, was founded in Barcelona in 1991, the number of these organizations has proliferated. It is estimated that there are currently hundreds of social cannabis clubs in Catalonia. These associations have been constituted from the model of sharing, that is self-cultivation and self-consumption shared by members of the association. The model is not, therefore, oriented to third persons, but to the activity among the members of the association. The cannabis consumer association model that regulates this law has been built on the basis of the capacity to meet the challenges of civil society, which calls for a clear legal framework and legal recognition for an activity that is currently present in our society Unregulated.

In addition, civil society, organized around the cannabis movement, has carried out a very important and valuable work of self-regulation, with the establishment of criteria, guidelines and codes of good practice. In addition, its existence has revealed an incontrovertible social reality regarding cannabis use and has built a model, object of study at an international level, at a time of global debate on the need for a change of orientation in drug policies , Based on the prevention of risks and the reduction of damages associated with their consumption and respect for fundamental rights.

The local administrations of Catalonia have also been pioneers. In 2012 Rasquera City Council approved a plan to promote scientific research, solve the challenges posed by associations and optimize resources, which the public supported a popular consultation.

In February 2014, the Catalan Parliament approved Motion 77 / X, on citizen security, which asked the Health Commission to do the work for the government to regulate cannabis consumer associations, motivated by legislative changes in Spain , Which caused even more legal uncertainty to the associations and the people who are part of them and therefore urged regulation from the perspective of public health within the framework of harm reduction policies, with the will to reduce Also the risks arising from the lack of regulation of this activity And to give a normative recognition to the regulated activity of the associations.

On 29 January 2015, Parliament adopted Resolution 932 / X on cannabis users' associations, the debate of which highlighted the orientation of the Generalitat in drug policies and urged the Government, through the relevant department To regulate these associations and to approve the criteria relevant to public health effects in relation to associative consumption of cannabis.

In this sense, Resolution SLT / 32/2015 of the Department of Health, dated January 15, which approves public health criteria to guide cannabis associations and their social clubs and the conditions of the exercise of their activity for The municipalities of Catalonia not only responded to the debates on a substance that has effects on health and that therefore also have to be approached from the point of view of public health, but also the concerns of the local, Which called for minimum and common criteria to guide municipal regulation.

The initiative of civil society, born of the need to seek new responses to the prohibition, is in line with the new international movements, which have verified the ineffectiveness of prohibitionist policies to reduce consumption and illegal trafficking in Cannabis, and responds to the ongoing change in this area, which is to guide drug policies on the basis of risk and harm reduction.

The opportunities offered by regulation of the activity of cannabis consumers' associations are important: first, it breaks their opacity and invisibility, allowing a better understanding of the reality of the phenomenon and, therefore, an intervention with policies Effective; Increase the level of knowledge about the substance, as well as training and information of consumers; Allows access to the consumer population and improve prevention and harm reduction policies; Makes it easier to ban the use of the substance; Reduces the potential for consumer contact with the illicit market for cannabis and other drugs; Introduces limits to a reality until now without regulation or clear limits, which allows to act on the violators with objectivity and avoiding the current excess of penalties on the part of the judicial system.

The present law consists of thirty-eight articles, which are structured into nine chapters. The first chapter, of general provisions, contains the object, the aims, the scope of application and the definitions; The second establishes the conditions for the constitution of cannabis users' associations; The third, on the conditions for joining associations, also deals with the rights and duties of associates; The fourth contains the provisions concerning registration books which associations are obliged to maintain; The fifth deals with production and storage for the self-sufficiency, transport and distribution of cannabis; The sixth contains the provisions on clubs for cannabis users and restrictions on advertising of establishments; The seventh sets out hygiene and health control measures and risk prevention and harm reduction management programs; The eighth, collaboration with other administrations for the implementation of a drug policy based on the prevention of risks and reduction of harm associated with cannabis use, and the ninth establishes the regime of infractions and sanctions.

The final part consists of four additional provisions, on monitoring the implementation of the Act, collective bargaining between representatives of associations and workers, equalization of associations and cannabis consumer clubs with private smoking clubs And the promotion of scientific research initiatives; A transitional provision on the deadline for adapting existing associations to the Law, and three final ones on the analysis of fiscal measures, the regulatory development of the Law and its entry into force.

Chapter I. General Provisions

Article 1. Purpose

The purpose of this law is to establish the legal status of cannabis consumer associations and their clubs, the regulation of all the activities they carry out, the rights and duties of associates, as well as the control and Inspection of their activity

from the point of view of public health, in order to prevent the risks inherent in cannabis use and reduce harm.

Article 2. Purposes

The purposes of this law are:

A) Protect, promote and improve the public health of the population through a policy aimed at warning and minimizing the risks and damages of cannabis use.

(B) To ensure that the rights of cannabis users are respected, to ensure that their exercise conforms to the law and to make them compatible with the rights and freedoms of all persons.

(C) Establish mechanisms for the protection of the health of cannabis users, especially for control and information on the quality, characteristics and effects of the substance they consume.

(D) Encourage information, education, risk management and prevention measures on the consequences and harmful effects of cannabis use.

E) To establish the conditions of the activity of the associations of consumers of cannabis.

F) Establish mechanisms to improve the activity of associations of consumers of cannabis from the point of view of public health, in coordination with the policies carried out in this matter by the competent administrations.

(G) Establish mechanisms for environmental protection in the exercise of the activities of cannabis consumer associations.

H) Provide municipal authorities with the criteria for authorization of the activities of associations of consumers of cannabis.

(I) Establish the legal framework for the activities of associations of cannabis users.

(J) Promote mechanisms to ensure public and private security in the development of the activities of cannabis consumer associations.

(K) Guarantee the rights of members of associations of cannabis users.

Article 3. Scope of application

The present law applies to the entities defined in article 4 that have their domicile or develop their activities in Catalonia.

Article 4. Definitions

For the purposes of this law, the following definitions shall apply:

(A) Cannabis users' associations: non-profit, legally constituted associations that self-supply and distribute cannabis among their members, all of them adults, who consume this substance in a private setting, either for recreational purposes or thereby reducing social and health damage associated with the clandestine market and certain uses of cannabis.

B) Cannabis consumer: the adult person who decides to voluntarily use cannabis or who needs it for therapeutic reasons.

(C) Cannabis consumers' club: the private area managed by a cannabis consumer association, which meets the ideal conditions for cannabis use by its members and where this activity is mainly carried out.

(D) Self-sufficiency means the actions carried out by an association of cannabis users destined for production through the cultivation and processing of cannabis, transport and distribution of cannabis exclusively for the individual and non-transferable consumption of its members and provided Within the scope of the association.

Chapter II. Constitution of cannabis consumer associations

Article 5. Constitution, legal personality and registry obligations

1. The cannabis consumer associations of Catalonia are non-profit associations, in accordance with Organic Law 1/2002, of 22 March, regulating the right of association, and the third book of the Civil Code of Catalonia , Relating to legal persons, approved by Law 4/2008, of April 24, and have their own legal personality according to what is established by these rules.

2. Cannabis consumers associations in Catalonia must register in the Register of Associations of the Generalitat of Catalonia in the specific functional classification created for statistical and census purposes in accordance with the provisions of the Civil Code of Catalonia and, If local regulation establishes it, in the municipal register of associations or cannabis clubs.

3. Cannabis consumers associations must respect municipal ordinances, provided they do not contradict this law, and obtain the corresponding authorization from the municipality to carry out its activities.

Article 6. Founding Members

The founding members of a cannabis consumer association must be of age and cannabis users.

Article 7. Specific objectives

The aims of associations of cannabis users should be stated in their statutes, which should contain at least the following specific objectives:

A) Self-supply and distribution of cannabis among partners for private consumption.

(B) Prevention of risks and reduction of harm associated with the clandestine market and certain uses of cannabis.

(C) Information to partners on the substance, consumption and risks derived therefrom, and on everything from specific public health programs to partners.

D) Control of the quality and properties of cannabis in production and distribution to partners.

Article 8. Organization and number of meetings

1. Cannabis consumer associations are organized in accordance with Organic Law 1/2002, the third book of the Civil Code of Catalonia on legal persons, and the provisions of this law.

2. The general assembly of cannabis consumers' associations, in addition to the ordinary meeting established by article 322-3 of the third book of the Civil Code of Catalonia, must meet on a regular basis a second time a year to carry out the analysis and Assessment of the management of the governing body.

Chapter III. Conditions for admission to cannabis users' associations and rights and duties of associates

Article 9. Conditions of membership

The conditions for acquiring associate status for a cannabis consumer association are as follows:

A) Be of legal age.

B) To be a consumer of cannabis.

C) To have the endorsement of another partner, without prejudice to the provisions of article 10.4 for the adults who need to consume the substance for therapeutic reasons.

D) Signing a document declaring to know the object and purposes of the association established by the statutes, as well as the rights as an associate and the duties that it is required to fulfill as a member of the association.

Article 10. Requirements of the guarantee to acquire the condition of associate

1. The guarantee to be able to acquire the condition of associate referred to in article 9 must be made by means of a document in which the data and the signature of the reviewing partner, the data of the guaranteed person and the term guarantee or any other equivalent formula Established by the statutes.

2. The guarantee must be formalized in the dependencies of the association in the presence of the evaluating partner and the person endorsed.

3. The evaluating partner that answers the data of the person who wants to acquire the status of associate must have a seniority in the association of at least one month and can guarantee up to a maximum of fifteen people a year. The statutes of the association may establish a lower annual number of persons guaranteed.

4. The guarantee is not required for adults who decide to use cannabis for duly justified therapeutic needs. The conditions and manner of proving the need to use cannabis for therapeutic reasons should be established by regulation.

Article 11. Rights of associates

The member of a cannabis consumer association, in addition to the rights established by the regulations governing the right of association referred to in article 8 and those who can establish the statutes, has at least the following rights:

A) Participate in the activities organized by the association and in the activities in which it participates.

B) Receive true and updated information on the part of the association regarding the information and data contained in the books of article 15, with the only limitations established by the regulations on personal data protection.

C) Check your consumption sheet at any time.

D) To know the result of the periodic analytical tests of the substance that is distributed.

E) Request, at any time, the reduction of its consumption forecast or to withdraw from the activity or self-sufficiency program without having to pay any costs.

F) Participate in the risk prevention management programs of the association.

G) Be informed by the association about programs for the early detection, follow-up and referral of cases of problematic or abusive use of cannabis.

H) To guarantee new partners, within the limits established in article 10.

Article 12. Rights of associates

Members of a cannabis consumer association are required to:

A) Consume the substance dispensed strictly in the private sphere and in the conditions marked by the association.

B) Avoid any situation in which consumption may occur that could harm third parties, especially minors.

C) Comply with the specific rules of the association.

D) Provide the documentation required by the association.

E) Communicate to the association any changes in your personal contact information.

F) Make a correct use of the facilities of the association.

G) Comply with all other duties and obligations established by the statutes.

Article 13. Loss of associate status

1. Associate status of an association of cannabis users is lost for any of the following causes:

A) On voluntary leave.

B) For the transmission to third persons of the substance received in a personal capacity as an associate.

C) Consumption of the substance outside the private sphere or in conditions that harm third parties, and especially minors.

D) By hindering the purpose and objectives of the association established by the statutes.

E) For the other causes that determine the statutes and that do not contradict Organic Law 1/2002, the third book of the Civil Code of Catalonia, relative to legal persons, nor the provisions of this law.

2. The associate must be heard and know the reasons that justify the loss of his condition before the association adopts the corresponding resolution. To that end, the articles of association of the association must determine the competent body to agree on the loss of associate status and establish a procedure that guarantees its prior hearing.

Article 14. Prohibition of the transmission of associate status

The statutes of cannabis consumer associations must expressly state that the status of associate of their members is non-transferable.

Chapter IV. Documentary obligations of cannabis consumer associations

Article 15. Documentary obligations of cannabis consumer associations

1. Cannabis consumers' associations must comply with the documentary and accounting obligations established in Organic Law 1/2002 and the third book of the Civil Code of Catalonia, concerning legal persons, and are obliged to keep and keep up to date and Following registration and control books:

A) Book of registration of associates.

B) Self-supply record.

2. The statutes of cannabis users' associations should state the measures to ensure that the right of access to the information contained in the registration books, especially that relating to the data of the associates who are for therapeutic reasons, Complies with the regulations on the protection of personal data. These measures should be established by regulation.

Article 16. Associate Registration Book

Cannabis consumers' associations must record in the associate register book, for each member, first and last names, identity document number, associate number, date of entry and, if applicable, the data that identify the Person who endorsed it.

Article 17. Self-supply registration book

1. The self-supply register book consists of the following books:

A) Book of associates enrolled in the self-sufficiency program.

B) Production book.

C) Transport book.

D) Distribution book.

2. The book of associates enrolled in the self-sufficiency program must include the following information of the members who, in addition to wanting to belong to the association, wish to be enrolled in the cannabis self-sufficiency program:

A) The number of associate that appears in the register of associates.

B) The partner's request for participation in the self-sufficiency program, with his monthly cannabis consumption forecast, stating that the withdrawn quantities are for personal consumption and in a strictly private area.

C) The date of incorporation into the self-sufficiency program.

D) Cannabis withdrawals for consumption, updated monthly.

3. The production book must include the following information:

A) The dates and scheduled crops of each year, the techniques that have been used and the quantities collected and suitable for consumption.

B) The date of processing of the products derived from cannabis, with the identification and amount of substance used and finally processed.

C) Annual production.

D) The date of the technical report and the result referred to in article 18.

4. The transport book must state the authorizations in writing of the governing body of the association, which must contain, in each case:

A) The data of the association.

B) The identity of the carrier.

C) The quantity and type of product being transported.

D) Destination.

E) The date of transport.

5. The distribution book should state:

A) The consumption sheet of each member enrolled in the self-sufficiency program, which must indicate his name and surnames, associate number, monthly consumption forecasts, quantities and cannabis withdrawal dates and his signature.

B) The maximum amount that can be withdrawn at one time in a single month.

C) Any other aspect related to the distribution that allows to guarantee the actions of control and verification of the association and that is determined by regulation.

Chapter V. Self-sufficiency

Article 18. Production and storage for self-supply

1. The association of cannabis users is the only one authorized for the cultivation of cannabis, which should be used for the exclusive and individual consumption of each member enrolled in the self-sufficiency program.

2. The cannabis users' association must obtain an expert technical report of each crop, which must be prepared by an external agronomist with a degree in agricultural engineering or an agronomist or equivalent degree holder, who determines that the crop forecasts comply with the Consumption forecasts.

3. The association of cannabis users must make revisions every six months to adapt production to the actual demand of the members enrolled in the self-sufficiency program, which cannot exceed the amount established in article 20. The association must regulate the way of adjusting the demand, where appropriate, to the maximum allowable production.

4. The crop for self-supply of the association cannot exceed the annual production of one hundred and fifty kilograms of dry flowering units.

5. The storage of cannabis must be done under hygienic, environmental and safety conditions as determined by regulation. Storage security is the responsibility of the association.

6. The procedure for communication of the crop to the competent Administration should be established by regulation; The safety requirements and the hygienic and sanitary control measures of the crop; The environmental conditions under which production takes place; Control of production; The preparation of cannabis for consumption and the production of derived products, and the requirements and conditions to ensure that the crop is done ensuring their privacy to prevent it being visible and accessible.

Article 19. Transport

1. Once the expert inspection of the crop has been carried out and the final volume of production quantified, the governing body of the association must issue the written authorization referred to in Article 17.4 for the transportation of the product derived from the crop from the place where it is produced to the dependencies of the association where the processing, controlled distribution and destruction, if any, of cannabis are carried out.

2. Cannabis must be packaged and sealed to ensure its integrity in the transportation process. The type of packaging and the information on traceability and the substance to be contained should be established by regulation.

3. Transportation cannot be done on public transport.

Article 20. Distribution of cannabis

1. The distribution of cannabis must be carried out in a private space, always within the scope of the association, with restricted and exclusive access for the associates, and destined exclusively for their personal consumption.

2. Associates may not pass on cannabis to third parties who are dispensed in a personal capacity.

3. Members who wish to participate in associative self-sufficiency must request it in writing, expressing their consumption forecast, which may not exceed sixty grams per month, or twenty grams per month for associates between eighteen and twenty-one years of age, without prejudice to the provisions of paragraph 4.

4. The maximum amount of cannabis available to partners may be increased if consumption is for therapeutic reasons. The way of justifying this circumstance and the terms in which the distribution of cannabis for therapeutic consumption should be made should be established by regulation.

5. Between the date of incorporation into the self-sufficiency program and the first dispensation a fifteen-day grace period must elapse, except in the case of associates who need it for therapeutic reasons, who can make the first withdrawal on the same day of incorporation.

Chapter VI. Cannabis consumer clubs. Limitations on advertising of associations and clubs

Article 21. Access and privacy

1. Cannabis consumer clubs are strictly private spaces, restricted to their members.
2. Cannabis consumers' clubs must verify the identity and status of an associate of persons entering the space designated for the consumption or distribution of cannabis.

Article 22. Conditions of club spaces

1. Spaces of cannabis users' clubs for distribution must be separated from areas for cannabis use.
2. Cannabis consumers' clubs must comply with the health conditions of the premises established by the current regulations and their activity must respect the environmental protection regulations.
3. Cannabis consumer clubs can not be set up in reserved or compartmentalized spaces within other establishments where activities other than those of a cannabis consumer association are carried out.

Article 23. Activities of clubs

1. With regard to the rights of consumers and those of the general public, the activity of cannabis consumer clubs must:

- A) Respect non-discrimination in the exercise of fundamental rights of association, assembly and freedom in a collective private space.
- B) To make compatible the exercise of the rights of its members with those of the rest of the citizens.
- C) Guarantee the right to health of people and the right to live in a balanced, sustainable and healthy environment.

2. Within cannabis consumer clubs, it is forbidden to:

- A) Consume other non-institutionalized drugs, alcoholic beverages and foodstuffs containing cannabis.
- B) Create reserved spaces or segregations or install compartmentalized spaces intended for activities for purposes other than those established by the statutes in accordance with this law.

3. For the purposes of the provisions of this article, regulations should be established:

- (A) Mandatory environmental parameters, maximum atmospheric emission values and corrective measures required of cannabis consumer clubs.

(B) Minimum distances between two clubs for cannabis users, between clubs and educational centers and between clubs and health facilities.

C) The opening hours of clubs for cannabis users.

4. The provisions established by regulation for compliance with the provisions of paragraph 3 must respect the ownership and exercise of municipal competencies that correspond.

Article 24. Limitations on advertising of associations and identification of club headquarters

1. Cannabis users' associations are prohibited from any of the following activities:

(A) Publicizing cannabis through any form of communication, recommendation or commercial action the direct or indirect purpose or effect of which is to promote associations of cannabis users, clubs or substance use.

B) Make sponsorship actions consisting of making any contribution, public or private, to an event, activity or individual whose objective or effect is direct or indirect promotion of cannabis use.

C) Carry out any promotional activity to stimulate the demand for cannabis.

2. The following shall be excluded from the prohibition in paragraph 1:

(A) The participation of cannabis consumer associations in events, forums, social networks or media of any kind related to specific public health programs or dedicated exclusively to cannabis, not involving any type promotional.

B) The mere inclusion of the associations in a list or directory of addresses of persons or organisms.

3. The headquarters of the association and the place of placement of the clubs of cannabis consumers must show only one external plaque with the name of the association, the registration number in the Register of Associations of the Generalitat of Catalonia, and, in Its case, the municipal registration of associations, and the indication that it is a private space of exclusive access to its associates.

Chapter VII. Hygiene and sanitary control measures and risk prevention and harm reduction management programs

Article 25. Control measures by associations of the distribution of cannabis

1. When the partner withdraws a quantity of cannabis, his identity, the approved consumption forecast and the product withdrawals made in the current month must be checked to verify that all this is in compliance with the established parameters. Associations must have the technical, personal and computer means to guarantee these verification and verification actions.

2. The associate must withdraw from the association the amount of cannabis allocated for his individual consumption and transport it in a packaging that avoids the possibility of manipulating its content and that allows to identify the supplier association, the date of withdrawal and the number of associate. The association must adopt the measures to avoid the manipulation or the alteration of the packaging that contains the product.

3. The associations can establish means of custody so that the associates that so desire can deposit in their dependencies the product dispensed in an individual and non-transferable way. These quantities do not count towards the storage limits referred to in paragraph 5.

4. The determinations on the maximum amount of cannabis that an associate can withdraw at one time in a single month and any other aspect related to the distribution must be specified by regulation.

5. The association cannot store more cannabis than the monthly collective total provision, and must be carried out in the hygienic, environmental and safety conditions that are determined by regulation.

Article 26. Periodic monitoring of the hygienic and sanitary conditions of the substance

1. Consumer associations of cannabis should ensure that their full members agree to consume a substance free of contaminants, adulterations and pathogens, for which purpose they must submit to periodic analytical controls established by regulation, which in no case may be inferior to an analysis by variety and harvest.

2. Periodic analytical checks on the substance to be distributed and consumed shall be carried out in laboratories authorized by the Administration.

Article 27. Collaboration with public health agencies and entities and specialized services of associations

1. Cannabis consumer associations should participate and collaborate with the competent health department and with specialized entities to offer professional information and counseling services in risk prevention and harm reduction management to partners.

2. Public administrations can promote the creation of cooperation bodies or programs between them and cannabis users' associations or the entities that represent them, in order to obtain more detailed empirical and statistical information, with scientific value, to establish Health control, participation in the development of risk prevention and harm reduction management plans, as well as training on consumption, the risks involved and any other issue related to cannabis use in Catalonia.

3. Associations of cannabis users who have partners who need to consume the substance for therapeutic reasons should have the necessary specialized services and make them available to such partners in a manner and under the conditions determined by regulation.

4. Cannabis users' associations should offer information and professional advice on risk prevention and harm reduction to their workers and associates, in accordance with what is established by regulation and what the competent department in health matters Which should include a specific information program for partners aged 18 to 21.

5. Associations of cannabis users should refer to the department responsible for health and, within the latter, to the body responsible for monitoring the quality and activity of associations, if statistical and epidemiological information is necessary for the control of the activity in the manner and with the criteria that are determined by regulation.

Article 28. Information to users and risk prevention actions

1. Associations of cannabis users should inform members about the properties of cannabis and its derivatives, the forms of consumption, their effects, and the risks and harms which may result from the use of cannabis.
2. The persons in the association responsible for handling and dispensing cannabis must have the necessary and continuous training to carry out their tasks, and in particular that relating to the properties of cannabis and its derivatives, to the effects, risks and the damages that can derive from the consumption of this substance, in the terms that are established by regulation.
3. The cannabis users' association should have up-to-date information on services and practitioners who can help reduce or stop using cannabis and should make it known to partners who wish to contact them.

Chapter VIII. Collaboration with other administrations

Article 29. Principle of collaboration

The Government should collaborate with other competent state, national and international administrations or interested parties to deepen a policy of drugs based on the prevention of risks and the reduction of damages associated with their consumption and on scientific evidence. Must ensure that the full effectiveness of the rights protected by this law and the public health and environmental objectives that it establishes are achieved.

Article 30. Municipal competences

It is the Government's responsibility to monitor the activities of cannabis associations and consumer clubs to comply with the obligations of this law, independently of any collaboration that may be established with municipal governments and without prejudice to the powers of local authorities in The scope of their powers, under the terms established by local law.

Chapter IX. Powers of inspection and control and sanctioning regime

Article 31. Powers of inspection and control

1. Control of the actions of cannabis consumers' associations shall be carried out by the competent departments in matters of public health, public safety and agriculture, as appropriate for the subject matter and in accordance with the distribution of article 33. This control includes the inspection authority on the fulfillment of all the obligations established in this law.
2. The personnel of the Administration in charge of the public functions of inspection and control is considered authority, and the facts verified directly by said personnel, formalized in a public document with the legally established requirements, have the presumption of truthfulness, unless proved otherwise.
3. Associations of cannabis users and clubs that are inspected or controlled are obliged to provide maximum cooperation in the inspection and control tasks and to provide the necessary data requested.

Article 32. General principles of the sanctioning system

1. The breach of the duties and obligations established by this law by the associations, their clubs and those responsible shall entail application of the

sanctioning regime regulated by this chapter, without prejudice to the regime established by municipal ordinances that is Applicable.

2. The penalty regime of this chapter does not apply if the facts may constitute a criminal offense and also if, according to the law, another administrative or jurisdictional regime may be applicable.

3. In all matters not determined by this chapter, the general principles and rules on the exercise of the sanctioning power and the sanctioning procedure established by the basic legislation and the legislation of the Generalitat regarding the legal regime and procedure Administrative procedure.

Article 33. Offenses

1. The infractions for breach of the established by the present law are classified in very serious, serious and light.

2. They are very serious offenses:

A) In the field of public health:

1. The admission of associates in breach of the conditions and requirements established by articles 9 and 10.

2. Distribute the substance with adulterations, contaminants or pathogens or without carrying out the periodical analytical controls in the terms established in article 26, if the health of the people is put at risk.

3. Allow the consumption of other non-institutionalized drugs, alcoholic beverages and foodstuffs containing cannabis.

4. To allow the entry of persons not associated with the reserved spaces where the consumption or the dispensation of cannabis is carried out.

5. To dispense cannabis to the members enrolled in the program of self-sufficiency above the amounts established by article 20.

6. Do not have the spaces of the clubs of cannabis consumers destined to the separated distribution of the spaces destined for the consumption of cannabis.

7. To have reserved, segregated or compartmentalized spaces destined to activities with purposes other than those of the association.

8 Not to provide information, professional advice and training in risk prevention and harm reduction to employees of the association, as well as not to facilitate the necessary and continuous training of persons responsible for handling and dispensing Cannabis.

9. Failure to provide information to partners on the properties of cannabis and its derivatives and on the risks and harms that may result from the use of the substance, as well as not having the specific information program for partners from eighteen to twenty one years.

B) In the area of citizen security, identify the seat of the association or the site of the club in breach of the requirements established by article 24.3.

3. Minor infractions are the breach of any other obligation that is not classified as very serious or serious.

Article 34. Subjects responsible for infractions

1. Associations and natural persons who are responsible for an action or omission typified as an infraction by this law are responsible for the offenses established by this chapter.

2. If a club commits any of the offenses established as an infraction by this law, the responsible party is the association to which it belongs.

Article 35. Penalties applicable to cannabis consumer associations

1. The infractions typified by the present law are sanctioned with the following fines:

A) For the commission of very serious infractions: a fine of between 6,001 and 12,000 euros.

B) For the commission of serious infractions: a fine of between 2,001 and 6,000 euros.

C) For the commission of minor infractions: a fine of up to 2,000 euros.

2. The criteria applicable to determine the scope of the sanction are those established by the legislation of legal regime and administrative procedure and according to the existence of prejudices for the public interest, the risk generated for health, the social impact of the infringement of the benefit reported to the offender by the conduct sanctioned and the recidivism in the commission within one year of more than one violation of the same nature, if it has been declared by a final decision.

3. The Government should periodically review and update the amounts of the fines.

Article 36. Sanctioning power

1. The imposition of sanctions for the commission of serious and minor infringements is the responsibility of the Directors-General responsible for public health, public safety or agriculture, as appropriate for the subject matter and in accordance with the distribution of article 33.

2. The imposition of sanctions for the commission of very serious infringements corresponds to the directors of the departments competent in matters of public health, public safety or agriculture, as appropriate by reason of the matter and in accordance with the distribution of article 33.

Article 37. Sanctioning procedure and provisional measures

1. The applicable sanctioning procedure is the one established by the legislation of legal regime and procedure of the public administrations.

2. In the event of a complaint, the competent body shall initiate the sanctioning procedure if the facts complained of show minimal or consistent evidence of an offense and may, acting by its own motion or at the request of a party, by means of a reasoned agreement, adopt measures of a provisional nature to ensure the effectiveness of the final resolution in the terms established by the basic legislation and by the legislation of the Generalitat on the legal regime and common administrative procedure.

Article 38. Prescription of infringements and sanctions

1. Very serious infringements shall lapse after five years; Serious infringements, after three years, and minor infringements, after one year.
2. Penalties for very serious infringements shall lapse after five years; For the commission of serious infractions, after three years, and for the commission of minor infractions, after one year.

Additional Provisions

First. Commission to monitor the implementation of the Law

1. The Government should create a commission to monitor the implementation of this law as an advisory body of the department responsible for public health, with the objective of evaluating the application and effects of the Law, proposing provisions for its development and implementation as well as to fulfill any other function entrusted to it by said department.
2. The decree establishing the monitoring committee must determine, at least:
 - A) Assignment to the department competent in matters of public health.
 - B) The composition, taking into account that representatives of the departments competent in public health, public safety and agriculture, as well as representatives of municipal associations, specialized entities and federations of cannabis associations should be included.
 - C) The operating regime.
3. The monitoring commission should prepare an annual public report on the application of the Law and its evolution, which it must submit to the department responsible for public health.

Second. Collective negotiation

The Government should facilitate collective bargaining between legitimate parties to be determined between representatives of cannabis users 'associations and workers' representatives, with a view to reaching an agreement that would include, inter alia, Categories.

Third. Equalization of associations and clubs of cannabis users with the private smoking clubs referred to in State Law 28/2005.

Cannabis consumer clubs and non-club associations that have a space where tobacco use is permitted are private smoking clubs, in accordance with the effects set forth in Additional Provision 9 of the Tobacco Act. State 28/2005, of 26 December, on health measures against smoking and regulating the sale, supply, consumption and advertising of tobacco products.

Quarter. Promotion of scientific research initiatives

The Government should promote the conditions for the development of scientific research initiatives in the fields of medicine, psychology, epidemiology, sociology, agronomy, botany, law and economics, among others, so that Associations of

cannabis users can bring the greatest possible amount of scientific knowledge to society.

Transitional provision. Adaptation of existing associations of cannabis users prior to the entry into force of the law

1. Within one year of the entry into force of this law, associations of cannabis users existing prior to their entry into force shall adapt their by-laws and take all necessary measures to comply with the obligations and The control measures laid down by it.

2. Failure to comply with paragraph 1 is considered a very serious violation, and is sanctioned by the department responsible for public health in accordance with the provisions of the chapter relating to the regime of violations and penalties of this law.

3. If, after expiry of the period established in paragraph 1, the associations have not made the requisite adaptations or registered changes to their statutes in the corresponding registration of associations, the members of the governing body shall respond to the damage caused to the association or Third parties due to breach of what is established by this law.

4. The statutes and internal regulations of cannabis consumers' associations that oppose the provisions of this law shall cease upon its entry into force.

Final Provisions

First. Analysis of fiscal measures

1. The Government is required to submit a draft law amending the consolidated text of the Law on Public Rates and Fees of the Generalitat of Catalonia, approved by Legislative Decree 3/2008 of 25 June, in order to create new rates As a consequence of the new legal regime of the cannabis consumer associations established by this law, especially the one related to the inspection and control actions, in which the departments of the Generalidad involved are competent.

2. The Government should study the technical and economic feasibility of creating a new own tax on cannabis, with the aim of reducing the risks and damages associated with its use, internalizing the negative externalities deriving from it and promoting the habits of consumption.

Second. Regulatory development

1. Within one year after the entry into force of this law and within the framework of what is established, the Government must approve such provisions as may be necessary for its development and execution and take appropriate measures with the Same purpose.

2. Regulatory development must respect the competences of local authorities in the terms established by local law.

Third. Entry into force

This law comes into force the day after its publication in the Official Journal of the Generalitat de Catalunya, and its economic effects in the financial year immediately after its approval.

Therefore, I order that all citizens to which this Law is applicable cooperate in its compliance and that the courts and authorities to which it enforces the enforcement.