

Law 13/2017, of July 6, concerning cannabis consumer associations

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Preamble

Article 4 of the Statute of Autonomy of Catalonia states that the Catalan public authorities must promote the full exercise of the freedoms and rights that are recognised in the same Statute, the Spanish Constitution, the European Union, the Universal Declaration of Human rights, the European Convention on Human Rights and other international treaties and agreements that have been signed by Spain which recognise and guarantee fundamental rights and freedoms. In addition, Article 15 recognises that everyone has the right to the free development of their personality and personal capacity.



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With regard to the jurisdictional framework of this law, reference must be made, firstly, to article 28 of the Statute. This article recognises the right to protect consumer and user health and the right to enjoy a system of guarantees for the purchased goods. Article 49 of the Statute, emulating the provisions of Article 51 of the Constitution, stipulates that public authorities must guarantee protection for health and safety, and defend the legitimate rights and interests of consumers and users. The authorities must also must support consumer and user organisations. At the same time, Article 123 of the Statute establishes that the Generalitat has exclusive power over consumer matters, which includes defending the rights of consumers and users, as established under Article 28. It is worth noting that, moreover, the Generalitat, in accordance with the basic conditions established by the State, by means of Organic Law, in order to guarantee equality in exercising the right of association, has the exclusive jurisdiction in matters of associations according to Article 118 of the Statute, and also in matters relating to advertising, without prejudice to State's commercial legislation.

The consumption of cannabis by adults, in the private sphere, whether for recreational or therapeutic purposes, is a choice that forms part of exercising one's fundamental right to the free development of one's personality, the right to freedom of thought and bodily integrity, as well as the right to health and the right to choose the most appropriate therapies and treatments for one's health status.

After more than half a century of prohibitionist and repressive policies concerning the consumption of cannabis in both Catalonia and elsewhere in the world, a significant part of the population in Catalonia uses this substance in a situation of legal and sanitary uncertainty, which implies unfair discrimination and a violation of these individuals' fundamental rights. These policies have helped to create a clandestine market that supplies cannabis without any quality controls, alongside a complete lack of consumer information on the properties of the product, as well as an environment that hinders the understanding and application of public health policies which are aimed at minimising risks and reducing the risks related to cannabis consumption.



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Citizen participation is a key element in the functioning of any democratic system. Popular sovereignty is exercised through the different channels for participation that are established in the Constitution, the Statute and local legislation, by both the State and the autonomous community.

In this context, Catalan civil society has historically been a key element in the defence of citizens' interests and rights, and also in airing their aspirations.

Ever since 1991, when the Ramón Santos Association for the Study of Cannabis (ARSEC) was founded in Barcelona and was recognised as the first association for cannabis consumers that managed a collective crop, the number of these entities has spread. It is estimated that there are currently hundreds of cannabis clubs in Catalonia. These associations have been formed based on a model of common use, self-employment and self-consumption among the association's members. Therefore, the model is not oriented towards third parties, but rather towards activities among the association's members. The cannabis consumer association model regulated by this law has been built on the basis of the capacity to face the challenges of civil society, which demands a clear legal framework and legal recognition for an unregulated activity that is currently present in our society.

Therefore, civil society, relating to the cannabis movement, has carried out a very important and valuable self-regulatory task, with the establishment of key criteria, guidelines and codes of good practice. At the same time, the existence of these clubs has revealed an undeniable social reality with regards to the consumption of cannabis and has built a model, which is the subject of study at an international level, during a time when there is a global debate on the need for a change in drug policies, based on preventing risks and reducing harms associated with drug consumption and respecting fundamental rights.

The local authorities in Catalonia have also been pioneers. In 2012, the City Council of Rasquera approved a plan to promote scientific research, to solve the challenges put forward by the associations and to optimise resources, all of which citizens supported via a public consultation.



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In February 2014, the Parliament of Catalonia approved the Motion 77/X, on public safety, which asked the Health Commission to carry out work so that the Government could regulate cannabis consumer associations, as triggered by legislative changes in the Spanish state, which caused even more legal insecurity for the associations and their members, and therefore urged for regulations from a public health perspective in the context of harm reduction policies, with the aim of also reducing the risks associated with a the lack of regulation for this activity and to provide regulatory recognition to the associations' regulated activities.

On January 29th, 2015, the Parliament approved Resolution 932/X, on cannabis consumer associations, where the debate highlighted the Catalan Government's approach to drug policies and urged the Government, through the department that is responsible for health, to regulate these associations and to approve the criteria that are relevant to public health in relation to cannabis consumption.

In this regard, Resolution SLT/32/2015 by the Department of Health, of January 15, which approves criteria in the field of public health to inform cannabis associations and their social clubs and the conditions of their activities for the local councils in Catalonia, not only responded to the debates about a substance that has health effects and which, therefore, also has to be addressed from a public health perspective and which also has to deal with the concerns of the public, who have demanded some minimum and common criteria to better inform municipal regulation.

The initiative from civil society, which emerges from the need to seek new responses to the ban, is in line with the new international movements, which have revealed the inefficiency of prohibitionist policies when it comes to reducing cannabis consumption and illegal trafficking of the substance, and responds to the change that is taking place in this area, in an attempt to guide drug policies based on the reduction of risks and harms.

The opportunities offered up by the regulation of cannabis consumer associations and their activities are important: firstly, it casts aside any obscurity and invisibility, making it possible to better understand the phenomenon and, therefore, be able to intervene with effective policies; it



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increases the level of knowledge about the substance, as well as advising and informing consumers; it allows access to the population that is consuming cannabis and improves prevention and harm reduction policies; it facilitates bans on promoting substance consumption; it reduces the consumer's access to cannabis and other drugs on the black market; it introduces limits where up until now there was no regulation or clear limits, which allows for objective action against offenders and avoids the current excessive penalties as imposed by the courts.

This law is made up of thirty-eight articles, which are structured into nine chapters. The first chapter, the general provisions, contains the purpose, the aims, the scope of application and the definitions; the second chapter establishes the conditions for the constitution of cannabis consumer associations; the third chapter, which defines the conditions for entry into an association, also deals with the rights and duties of the associates; the fourth chapter contains the provisions regarding record books that associations are required to keep; the fifth chapter deals with the production and storage for the self-supply, transport and distribution of cannabis; the sixth chapter contains provisions on cannabis consumer clubs and the limitations of advertising for the establishments; the seventh chapter establishes hygienic and sanitary control measures and management programmes for the prevention of risks and the reduction of harm; the eighth chapter focuses on collaboration with other authorities for the implementation of a drugs policy based on the prevention of risks and the reduction of harm associated with cannabis consumption, and the ninth chapter establishes the regulations regarding offences and sanctions.

The final part consists of four additional provisions, regarding the monitoring of the application of the law, collective bargaining between representatives of the associations and workers, the comparison between cannabis consumer associations and clubs with private smoking clubs and the promotion of scientific research initiatives; a transitional provision for existing associations regarding the term for adaptation to the law, and three final provisions on the analysis of fiscal measures, the regulatory development of the law and its entry into force.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Purpose

The purpose of this law is to establish the legal framework for cannabis consumer associations and their clubs, the regulation of all activities carried out in these establishments, the rights and duties of the associates, as well as the inspection and control mechanisms for their activities from a public health perspective, in order to prevent risks associated with the consumption of cannabis and to reduce harm.

Article 2. Aims

The aims of this law are as follows:

- a) To protect, promote and improve public health through policies aimed at warning against the risks and harms caused by the consumption of cannabis and minimising such risks.
- b) To ensure that the rights of cannabis consumers are respected, ensuring that the exercising of these rights complies with the law and making them compatible with the rights and freedoms enjoyed by all.
- c) To establish mechanisms for protecting the health of cannabis users, especially for monitoring and information regarding the quality, characteristics and effects of the consumed substance.
- d) To promote informative, educational, risk management and prevention measures for dealing with the consequences and harmful effects associated with the consumption of cannabis.
- e) To establish the conditions for the pursuit of activities by cannabis consumer associations.



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- f) To establish mechanisms to improve the activity of cannabis consumer associations from a public health perspective, in co-ordination with related policies carried out by the relevant authorities.
- g) To establish environmental protection mechanisms regarding cannabis consumer associations and the pursuit of their activities.
- h) To provide the municipal authorities with the criteria for authorising the activities of cannabis consumer associations.
- i) To establish legal arrangements for the activities of cannabis consumer associations.
- j) To promote mechanisms to guarantee public and private safety at cannabis consumer associations in the pursuit of their activities.
- k) To guarantee the rights of the associates who make up the cannabis consumer associations.

Article 3. Scope of application

This law applies to the entities defined in Article 4 that are based or which carry out their activities in Catalonia.

Article 4. Definitions

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

- a) *Cannabis consumer associations*: legally registered, not-for-profit associations that are self-managed and which distribute cannabis among their associates, all of whom are of legal age, who consume this substance in a private area, for recreational or therapeutic purposes, thereby reducing social harm and protecting associates against the black market and certain uses of cannabis.
- b) *Cannabis consumer*: an individual of legal age who intentionally decides to consume cannabis or who needs it for therapeutic reasons.
- c) *Cannabis consumers' club*: a private space that is managed by a cannabis consumer association, which has the best conditions for consuming cannabis among the members and where this activity is mainly carried out.

d) *Self-management*: the actions carried out by a cannabis consumer association in order to produce goods, through the cultivation and processing of cannabis, and the transport and distribution of cannabis exclusively for individual and non-transferable consumption among their associates and always within the scope of the association.

CHAPTER 2. FORMATION OF CANNABIS CONSUMER ASSOCIATIONS

Article 5. Formation, legal personality and registration requirements

1. Cannabis consumer associations, in Catalonia, are non-profit associations, in accordance with the provisions of the Organic Law 1/2002, of March 22, governing the right of association, and the third book of the Civil Code of Catalonia, relating to legal entities, approved by Law 4/2008, of April 24, and have their own legal personality in accordance with the provisions under these regulations.
2. Cannabis consumer associations, in Catalonia, must be registered in the Government of Catalonia's Register of Associations, in the specific functional category, which was created for statistical and census purposes in accordance with the provisions of the Civil Code of Catalonia. Associations may also need to be registered in the municipal register of cannabis associations or clubs, should there be on in place under local regulations.
3. Cannabis consumer associations must respect municipal regulations, insofar as they do not contradict this law, and they must obtain authorisation from the local council to carry out their activities.

Article 6. Founding members

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

Article 7. Specific objectives

The purposes of the cannabis consumer associations must be outlined in their statutes, which should, as a bare minimum, contain the following specific objectives:

- a) Self-management and distribution of cannabis among members for private consumption.
- b) Prevention of risks and reduction of harms associated with the black market and certain uses of cannabis.
- c) Providing information to members regarding the substance, its consumption, the associated risks and everything that specific public health programmes wish to share with the members.
- d) Quality control and monitoring cannabis properties when producing cannabis and distributing it among members.

Article 8. Organisation and designation of meetings

1. Cannabis consumer associations are organised in accordance with Organic Law 1/2002, in the third book of the Civil Code of Catalonia, regarding legal entities, and the provisions of this particular law.
2. The general assembly for cannabis consumer associations, in addition to the ordinary meetings established under article 322-3 of the third book of the Civil Code of Catalonia, must meet on a regular basis twice a year to carry out an analysis and evaluation of the governing body's management.

CHAPTER 3. CONDITIONS FOR ADMISSION TO CANNABIS CONSUMER ASSOCIATIONS AND THE RIGHTS AND OBLIGATIONS OF MEMBERS

Article 9. Conditions for admission as a member

The conditions for acquiring the status of a member within a cannabis consumer association are as follows:

- a) The individual must be of legal age.
- b) The individual must be a cannabis consumer.



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c) The individual must have the endorsement of another member, notwithstanding the provisions made under article 10.4 for elderly individuals who need to consume cannabis for therapeutic reasons.

d) The individual must sign a document, declaring that they are aware of the association's objectives, as established under the statutes, as well as their rights as a member and the duties that they are obliged to fulfil as a member of the association.

Article 10. Requirements for the guarantee to become an associate

1. The guarantee to become an associate, as described in Article 9, must be made by means of a document containing the associate's personal data and signature, the evaluator's personal information and the term *guarantee* or any other equivalent formula established in the statutes.

2. The guarantee must be formalised on the association premises in the presence of the evaluator and the associate.

3. The endorser who is responsible for the data of the individual who wishes to acquire the status of associate must have a position of seniority within the association for at least one month and may endorse up to fifteen people per year. The statutes of the association can establish a lower annual number of endorsed individuals.

4. The guarantee is not required for elderly individual who wish to consume cannabis for duly justified therapeutic needs. The conditions and the way to prove the need to consume cannabis for therapeutic reasons must be established by regulation.

Article 11. Associates' rights

The member of a cannabis consumer association, in addition to the rights established in the regulatory guidelines that govern the right of association as referred to in Article 8 and those that may be established through statutes, may, at the very least, enjoy the following rights:

a) Being able to participate in the activities organised by the association and in any activities that the association takes part in.



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- b) Receiving accurate and up-to-date information from the association regarding any information or data contained in the books mentioned under Article 15, subject only to limitations established by legislation regarding the protection of personal data.
- c) Being able to consult their consumption card at any given time.
- d) Receiving information about the results of regular analytical tests as carried out on the substance that is provided by the association.
- e) To request, at any given time, a reduction in the member's consumption or to unsubscribe from the activity itself or self-supply programme without having to pay any costs.
- f) To participate in the association's risk prevention programmes.
- g) To be informed by the association about programmes for the early detection, monitoring and referral of cases relating to the problematic or abusive use of cannabis.
- h) To assess new associates, subject to what has been established under Article 10.

Article 12. Associates' responsibilities

The members of a cannabis consumer association are obliged to:

- a) Consume the provided substance strictly within a private setting and under the conditions set by the association.
- b) Avoid situations where the consumption of the substance may jeopardise the health and wellbeing of third parties, particularly minors.
- c) Adhere to the association's specific regulations.
- d) Provide the association with any required documentation.
- e) Inform the association of any changes to the member's contact information.
- f) Use the association's facilities in the correct manner.
- g) Comply with all other duties and obligations established in the statutes.

Article 13. Loss of associate status

1. The status of associate within a cannabis consumer association may be withdrawn or lost for any of the following:

- a) By voluntarily deciding to leave the association.
- b) By providing third parties with the substance received as an associate.
- c) By having consumed the substance outside of the private area or under conditions that may harm third parties, especially minors.
- d) By hindering the association's aim and objectives as established under the statutes.
- e) For other causes determined by the statutes and which do not contradict Organic Law 1/2002, the third book of the Civil Code of Catalonia, concerning legal persons, nor that established by this law.

2. The associate must be heard and be made aware of the reasons behind the loss of their associate status before the association adopts the relevant decision. To this effect, the association's statutes must state the competent body to agree on the loss of associate status and must establish a procedure that guarantees a prior hearing.

Article 14. Prohibition on the transferral of associate status

The statutes of a cannabis consumer association must make it clear that membership is non-transferable.

CHAPTER 4. DOCUMENTARY OBLIGATIONS CONCERNING CANNABIS CONSUMER ASSOCIATIONS

Article 15. Documentary obligations concerning cannabis consumer associations

1. Cannabis consumer associations must comply with the documentary and accounting obligations established by Organic Law 1/2002 and book three of the Civil Code of Catalonia, concerning legal persons, and are required to keep and update their associates record books and self-management logbooks:

a) Associates record book.

b) Self-management logbook.

2. The statutes of cannabis consumer associations must record all measures taken to ensure that the right of access to any information contained in the registration books, especially that which may be related to the data of associates who use the substance for therapeutic reasons, complies with the regulations regarding the protection of personal data. These measures must be established through regulations.

Article 16. Associates record book

In the associates record book, cannabis consumer associations must keep a record for each associate, including their name and surnames, the number of their identity document, their associate number, the date of entry and, where applicable, any information regarding the person who endorsed their membership.

Article 17. Self-management logbook

1. The self-management logbook should include the following books:

a) Book of associates who are involved in the self-management programme.

b) Production book.

c) Transport book.

d) Distribution book.

2. The book of associates who are involved in the self-management programme must record the following information on the associates who wish, in addition to being part of the association, to be registered in the cannabis self-management programme:

a) The associate number that appears in the associates record book.

b) The associate's request to join the self-management programme, alongside a monthly cannabis consumption forecast, in which the associate should declare that the quantities withdrawn are for personal consumption and shall be consumed in a strictly private setting.

- c) The date of being incorporated into the self-management programme.
 - d) Withdrawals of cannabis for consumption, updated on a monthly basis.
3. The production book must record the following:
- a) The dates and crops planned for each year, the methods that have been used and the quantities that have been collected and which are suitable for consumption.
 - b) The date on which the products derived from cannabis were processed, alongside information regarding the identification and quantity of the substance used and finally prepared.
 - c) The annual production.
 - d) The date of the technical report and the result thereof as referred to in Article 18.
4. The transport book must state the written authorisations provided by the association's governing body which, in each and every case, must contain the following:
- a) The association's data.
 - b) The identity of the courier.
 - c) The quantity and the type of product that is being transported.
 - d) The destination.
 - e) The date of transport.
5. The distribution book must record the following:
- a) The consumption card of each associate who is registered in the self-management programme, which must indicate the individual's name, surname, associate number, monthly consumption forecasts, amount of cannabis withdrawn and dates of withdrawal alongside the individual's signature.
 - b) The maximum amount that can be withdrawn in one go during the same month.

c) Any other information related to the distribution of cannabis, which can guarantee the association's monitoring and verification actions, and any other information which is established through regulations.

CHAPTER 5. SELF-MANAGEMENT

Article 18. Production and storage for self-management

1. The cannabis consumer association is the only entity authorised for the cultivation of cannabis, which should be used for the exclusive and individual consumption of each associate who is registered in the self-management programme.

2. The cannabis consumer association must obtain an expert technical report for each crop, which must be carried out by an external agricultural professional who has a degree in agricultural engineering or agronomical engineering or a similar degree, which will determine whether the crop forecasts conform to the agreed consumption forecasts.

3. The cannabis consumer association must carry out reviews every six months to adapt their production to meet the demands of the associates registered in the self-management programme, which may not exceed the amount established under Article 20. The association must find ways of regulating demand, where applicable, in order to meet the maximum permitted production.

4. Crops for the association's self-management programme may not exceed the annual production cap of one hundred and fifty kilograms of dry bloom units.

5. Cannabis must be stored in accordance with the hygienic, environmental and safety regulations that are established through regulations. The association is responsible for ensuring the stored product is kept secure at all times.

6. The procedure for reporting the crop to the relevant Administration; the safety requirements as well as any hygienic and sanitary control measures



for the crop; the environmental conditions in which the production is carried out; monitoring of production; the preparation of cannabis for consumption and the production of derivative products, and the requirements and conditions to ensure that the crop is grown and harvested in a private manner in order to prevent it being visible and accessible to others, must all be established by regulation.

Article 19. Transport

1. Once the expert report on the crop has been carried out and the final volume of production has been quantified, the association's governing body must issue the written authorization as referred to in Article 17.4 for the transportation of the product derived from the crop from the place of production to the association's premises where the processing, controlled distribution and destruction, where appropriate, of cannabis can be carried out.
2. Cannabis must be packaged and sealed to protect it during transportation. The type of packaging and any required information concerning the traceability and the substance itself will be established through regulations.
3. Cannabis can not be delivered via public transport.

Article 20. Cannabis distribution

1. The distribution of cannabis should be carried out in a private area, always within the premises of the association, with restricted and exclusive access for associates, and the product must be used exclusively for their own personal consumption.
2. Associates can not provide cannabis to third parties.
3. Associates who wish to participate in the association's self-management programme must make a request in writing, expressing their consumption forecast, which can not exceed sixty grams per month, or twenty grams per month in the case of the associates aged between eighteen and twenty-one, notwithstanding the provisions under Section 4.
4. The maximum amount of cannabis available to associates may be increased if the use is for therapeutic reasons. The way to justify this



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circumstance and the conditions under which cannabis for therapeutic may be distributed shall be established through regulations.

5. Between the date of incorporation into the self-management programme and the first dispensation, a waiting period of fifteen days must elapse, except in those cases where associates need cannabis for therapeutic reasons. Such individuals can make the first withdrawal on the same day of being incorporated into the association.

CHAPTER 6. CANNABIS CONSUMERS CLUBS. LIMITATIONS ON THE ADVERTISING OF CANNABIS CONSUMER ASSOCIATIONS AND CLUBS

Article 21. Access and privacy

1. Cannabis consumer clubs are strictly private spaces, where access is only granted to the club's associates.
2. Cannabis consumer clubs must check the identity and membership status of everyone who accesses the space used for the consumption or distribution of cannabis.

Article 22. Conditions regarding the spaces within a club

1. The spaces within consumer cannabis clubs that are intended for distribution must be separate from the spaces that are used for cannabis consumption.
2. Cannabis consumer clubs must comply with all the health conditions set for premises as established by current regulations and their activity must respect the regulations concerning environmental protection.
3. Cannabis consumer clubs can not be set up in spaces reserved or compartmentalised inside other establishments where activities other than those belonging to a cannabis consumers association are carried out.

Article 23. Club activities



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1. With regard to the rights of cannabis consumers and the rights enjoyed by all other citizens, the activity of the 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) Ensure the exercise of their members' rights is compatible with those enjoyed by all other citizens.
- c) Guarantee the individual's right to health and the right to live in a balanced, sustainable and healthy environment.

2. Inside cannabis consumer clubs, the following actions are prohibited:

- a) The consumption of non-institutionalised drugs, alcoholic drinks and food products that contain cannabis.
- b) The creation of reserved spaces or segregations or the installation of compartmental spaces for activities other than those established in the statutes in accordance with this law.

3. For the purposes of this article, the following shall be established through regulation:

- a) Compulsory environmental parameters, the maximum atmospheric emission values and corrective measures required for cannabis consumer clubs.
- b) The minimum distance between two cannabis consumer clubs, between clubs and educational centres, and between clubs and health facilities and services.
- c) Opening time limitations for cannabis consumer clubs.

4. The provisions established by regulations to comply with the provisions of Paragraph 3 must respect the ownership and exercise of the corresponding municipal powers.

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

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



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a) Advertising cannabis through any form of communication, recommendation or commercial action whereby the aim or direct or indirect effect is the promotion of cannabis consumer associations, clubs or the consumption of the substance.

b) Conducting regular sponsorship actions in order to carry out any type of contribution, public or private, to an event, activity or individual whereby the objective or direct or indirect effect is the promotion of cannabis consumption.

c) Carrying out any kind of promotional activity to boost the demand for cannabis.

2. The following are excluded from the prohibition outlined in Section 1:

a) The participation of cannabis consumer associations in events, forums, on social networks or with media of any type, which are related to specific programmes in the field of public health or that are dedicated in a unique and exclusive way to cannabis, which do not entail any type of promotion.

b) The mere inclusion of associations in a list or address book for people or organisations.

3. The headquarters of the association and the location of the cannabis consumer clubs should only have an external license plate with the name of the association, its registration number in the Registry of Associations of the Generalitat of Catalonia, and, where appropriate, the municipal register of associations, and the indication that it is a private area with exclusive access to associates.

CHAPTER 7. HYGIENIC AND SANITARY CONTROL MEASURES AND MANAGEMENT PROGRAMMES FOR THE PREVENTION OF RISKS AND HARM REDUCTION

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

1. When an associate withdraws an amount of cannabis, the individual's identity, approved consumption forecast and withdrawals carried out during



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the current month must be verified, in order to check that everything is adjusted to meet the established parameters. Associations must have the technical, professional and computer resources to ensure that these verification and monitoring actions can be carried out.

2. The associate must withdraw from the association the quantity of cannabis assigned for their own individual consumption and transport it in a package to prevent any possible interference with the product and which means the package can be traced back to the supplier association, including the date on which the product was withdrawn and the associate's number. The association must take steps to avoid the mishandling or alteration of the product's packaging.

3. Associations can establish safekeeping solutions so that associates who wish to do so can store their individual and non-transferable product at the association's facilities. These amounts do not count towards the storage limits outlined in Section 5.

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

5. The association can not store more cannabis than the amount stipulated in the total collective monthly forecast, and the product must be stored in line with the hygienic, environmental and security conditions that are set by regulation.

Article 26. Regular checks concerning the substance's hygienic and sanitary conditions

1. Cannabis consumer associations must ensure that their associates agree to consume a substance that is free of contaminants, adulterations and pathogens, and to this effect the substance must undergo regular analytical monitoring as established by regulation, and there can not be any less than one analysis by variety and harvest.

2. The regular analytical checks of the substance that is distributed and consumed must be carried out in laboratories that have been authorised by the Administration.



Article 27. Collaboration with organisations and public health entities and associations' specialised services

1. Cannabis consumer associations must participate and collaborate with the relevant health department and with specialised entities to provide professional information and advice services regarding risk prevention management and harm reduction among associates.
2. The public administrations can promote the creation of bodies or collaboration programmes between the administrations and the cannabis consumer associations or the entities that represent them, in order to obtain empirical information and more detailed statistics, with scientific value, which facilitate the creation of health control measures, participation in the preparation of management plans aimed at risk prevention and harm reduction, and to also offer training on consumption, the risks involved and on any other issue related to the consumption of cannabis in Catalonia.
3. Cannabis consumer associations that have associates who need to consume the substance for therapeutic reasons must provide the necessary specialised services and make them available to these associates in the manner and under the conditions as stated by regulation.
4. Cannabis consumer associations must provide their employees and associates with professional information and advice on the prevention of risks and harm reduction, in accordance with what is established by regulations and what is available to the relevant public health department, which should include a specific information programme for associates who are aged eighteen to twenty-one.
5. Cannabis consumer associations must provide the relevant health department and the body responsible for the monitoring of the quality and association's activity with all the statistical and epidemiological information necessary for the monitoring of the association's activity, in the manner and in line with the criteria established by regulation.

Article 28. Information for associates and risk prevention actions



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1. Cannabis consumer associations must inform their associates about the properties of cannabis and its derivatives, about the forms of consumption, its effects, and also about the risks and harm which can be associated with the consumption of this substance.
2. The association's staff who are responsible for handling and dispensing cannabis must have the necessary training and complete continuous training in order to carry out their tasks and, notably, to understand the properties of cannabis and its derivatives, the effects, the risks and the harm that can be arise from the consumption of this substance, according to the terms established by regulation.
3. The cannabis consumer association must have up-to-date information on services and professionals who can help associates to reduce or stop consuming cannabis and should provide this information to any associate who may request it.

CHAPTER 8. COLLABORATION WITH OTHER ADMINISTRATIONS

Article 29. Principle of collaboration

The Government must collaborate with all other state-wide, municipal, national and international administrations which are relevant to or interested in working on a drugs policy based on the prevention of risks and the reduction of harm associated with the consumption of drugs and scientific evidence, and must ensure that the full effectiveness of the rights protected by this law and the objectives of public and environmental health that it establishes are achieved.

Article 30. Municipal competencies

It is the Government's responsibility to control the activities of associations and cannabis consumer clubs, so that they comply with the obligations of this law, regardless of the initiatives that may have been established with



municipal governments and without prejudice to the powers of local authorities within the scope of their competencies, in the terms established through local government's legislation.

CHAPTER 9. INSPECTION AND MONITORING POWERS AND THE PENALTY SYSTEM

Article 31. Inspection and monitoring powers

1. The monitoring of the activity of cannabis consumer associations is led by the departments that are responsible for public health, public safety and agriculture, as appropriate in each and every circumstance and in accordance with Article 33. Monitoring includes the power to oversee the enforcement of all the obligations established under this law.
2. The administration's personnel who are in charge of inspecting and monitoring public functions are considered authorities, and the facts established directly by these personnel, formalised in a public document with legally established requirements, have the presumption of veracity, unless there is evidence that proves otherwise.
3. The cannabis consumer associations and clubs that are inspected or monitored are obliged to fully collaborate with the inspection and monitoring tasks, and to also provide any necessary data that may be requested.

Article 32. General principles behind the penalty system

1. Failure to comply with the duties and obligations established by this law on the part of the associations, their clubs and the persons responsible for them shall result in the implementation of the penalty regime regulated by this chapter, without prejudice to the system established under the applicable municipal by-laws.
2. The penalty system outlined in this chapter does not apply to cases which are seen as a criminal offence or if, according to the legislation, another administrative or jurisdictional system may be applicable.

3. For all other matters that are not touched upon in this chapter, the principles and general rules regarding the exercise of the sanctioning power and the sanctioning procedure, as established by core legislation and through the legislation of the Generalitat in matters relating to the legal regime and common administrative procedure, are applicable.

Article 33. Offences

1. Failure to comply with the provisions of this law are graded as either very serious, serious and minor offences.

2. Very serious offences include:

a) With regards to public health:

1st. The admission of associates who do not comply with the conditions and requirements established under Articles 9 and 10.

2nd. Distributing the substance with adulterations, contaminants or pathogens or without performing regular analytical checks as outlined in Article 26, if human health is put at risk.

3rd. Allowing the consumption of other non-institutionalised drugs, alcoholic drinks and food products that contain cannabis.

4th. Allowing people who are not associates to enter the reserved areas where the consumption or the dispensation of cannabis is carried out.

5th. Dispensing amounts of cannabis to the associates registered in the self-management programme above the amounts established under Article 20.

6th. Failing to separate the spaces used for distribution and those used for consumption within a cannabis consumer club.

7th. Failing to keep an associates record book or any of the self-management logbooks.

8th. Providing false information in the associates record book or any of the self-management logbooks.

9th. Carrying out any type of advertising, sponsorship or promotion activities as prohibited under Article 24.



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b) With regards to public safety:

1st. Dispensing cannabis to someone who is not an associate or providing cannabis to someone outside of the usual premises.

2nd. Providing an associate with cannabis that is then passed on to third parties.

3rd. Transporting cannabis without any written authorisation from the association's governing body, without guaranteeing the integrity of the transport or by means of public transport.

4th. Running a cannabis consumer club within another establishment that carries out activities that are different to those of the association itself.

c) With regards to agriculture:

1st. Surpassing the annual production cap as set by Article 18.4 on cultivation for self-management.

2nd. Carrying out production and storage activities in violation of any of the conditions established under Article 18.

3. Serious offences include:

a) With regards to public health:

1st. Distributing the substance with adulterations, pollutants or pathogens or without the regular analytical checks established under Article 13, if it does not pose a risk to public health.

2nd. Dispensing cannabis to individuals who are not involved in the self-management programme.

3rd. Dispensing cannabis to the associates enrolled in the self-management programme without respecting the grace period established under Article 20.

4th. Failing to keep up-to-date with the information that has to be included in the associates record book or in any of the self-management logbooks.

5th. Failing to carry out any of the verification and monitoring actions in relation to the distribution of cannabis to associates as referred to in Article 25.

6th. Failing to provide the specialised services referred to in Article 27.3 for those associates who need to consume the substance for therapeutic reasons.

7th. Creating reserved, segregated or compartmented spaces for activities and purposes other than those of the association.

8th. Failing to provide information, professional advice and training regarding risk prevention and harm reduction to workers at the association, as well as failing to provide the necessary and continuous training for those responsible for handling and dispensing cannabis.

9th. Failing to provide information to associates regarding the properties of cannabis and its derivatives and about the risks and harm that can be derived from the consumption of the substance, and also failing to have specific information programmes aimed at associates aged eighteen to twenty-one.

b) With regards to public safety, identifying the headquarters of the association or the location of the club in violation of the requirements established under Article 24.3.

3. Cases of non-compliance with any other obligation that is not classified as very serious or serious are deemed to be minor offences.

Article 34. Persons deemed responsible for offences

1. Those who may be held responsible for the offences outlined in this chapter include the associations and the natural persons to whom an action or omission classified as an offence under this law may be attributed.

2. If a club commits any of the actions outlined as an offence in this law, the association to which it belongs shall be held accountable.

Article 35. Penalties that apply to cannabis consumer associations

1. Offences outlined in this law are sanctioned with the following fines:

a) For every offence that is deemed to be a very serious offence: a fine of between €6,001 and €12,000.

b) For every offence that is deemed to be a serious offence: a fine of between €2,001 and €6,000.

c) For every offence that is deemed to be a minor offence: a fine of up to €2,000.

2. The applicable criteria for determining the scope of the offence are those established by the legislation of the legal system and administrative procedure and depending on the existence of damages to public interest, of risks that could affecting public health, of the social repercussion of the offence, of the profit that the offender may make from the sanctioned conduct and the recidivism within the term of one year of more than one offence of the same nature, if it has been declared as such through a court's final decision.

3. The Government shall periodically review and update fines and their amounts.

Article 36. Sanctioning power

1. The imposition of penalties for serious and minor offences falls to the relevant general directors within the spheres of public health, public safety or agriculture, as appropriate due to the subject matter and in accordance with Article 33.

2. The imposition of penalties for very serious offences corresponds to the directors of the departments responsible for public health, citizen security or agriculture, as appropriate due to the subject matter and in accordance with Article 33.

Article 37. Penalty procedure and provisional measures

1. The applicable sanctioning procedure is that established by the legislation governing the legal system and procedure for public administrations.

2. In the event of a report or complaint, the competent body shall initiate the sanctioning procedure if the facts reported are minimally consistent or if there is any credible evidence regarding the infringement, and may *ex officio* or at the request of another party, by means of a reasoned agreement, take measures of a provisional nature that ensure the effectiveness of the final resolution in terms established by the core legislation and by the legislation



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of the Generalitat with regards to the legal system and common administrative procedure.

Article 38. Statute of limitations regarding offences and sanctions

1. Very serious offences prescribe after five years; serious offences, after three years, and minor offences, after one year.
2. Penalties for very serious offences prescribe after five years; for serious offences, after three years, and for minor offences, after one year.

ADDITIONAL PROVISIONS

First. Monitoring commission for the application of the Law

1. The Government shall create a monitoring commission for the application of this law which shall act as an advisory body to the relevant public health department, in order to evaluate the application and the effects of the Law, to propose provisions for consideration and application, and also to fulfil any other function entrusted to it by the aforementioned department.
2. The decree for the creation of the monitoring commission must determine, at least:
 - a) Its affiliation to the department responsible for public health.
 - b) Its structure, taking into account that representatives of the departments responsible for public health, public safety and agriculture, and representatives from municipal associations, specialised entities and federations of cannabis associations should be included.
 - c) Operating mode.
3. The monitoring commission must prepare an annual public report on the application of the Law and its evolution, which must be submitted to the relevant department in the field of public health.

Second. Collective negotiation



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The Government must facilitate collective negotiation, between the legitimate parties from among the representatives of cannabis consumer associations and workers' representatives, in order to reach an agreement so that they obtain, among other things, relevant professional categories.

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

Cannabis consumer clubs and the areas of associations that do not have a club and that have a space where smoking is allowed are private smoking clubs, in accordance with the effects established in the ninth additional provision of the Law of State 28/2005, of December 26th, regarding health measures against smoking and regulating the sale, supply, consumption and advertising of tobacco products.

Fourth. Promotion of scientific research initiatives

The Government must facilitate 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 the activities of cannabis users associations can provide the greatest possible amount of scientific knowledge to society.

TRANSITORY PROVISIONS. ADAPTATION OF EXISTING CANNABIS CONSUMER ASSOCIATIONS PRIOR TO THE ENTRY INTO FORCE OF THE LAW

1. One year on from the entry into force of this law, cannabis consumer associations that have existed prior to the entry into force must adapt their status and take all necessary measures to fulfil the obligations and control measures established by this law.
2. Non-compliance with what has been established in Section 1 is considered a very serious offence, and is sanctioned by the department responsible for public health in accordance with the provisions of the chapter relating to the offences and penalties of this law.



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3. If, after the period stipulated in paragraph 1 the associations have not made the necessary adjustments or have not modified the statutes in the corresponding register of associations, the members of the governing body shall respond to the damages they have caused to the association or to third parties on the grounds of non-compliance with the provisions of this law.

4. The statutes and provisions of the internal regime for cannabis consumer associations that are contrary to the provisions of this law shall remain in effect after its entry into force.

FINAL PROVISIONS

First. Analysis of fiscal measures

1. The Government must present a draft law to amend the text of the Law of rates and public prices of the Generalitat of Catalonia, approved by Legislative Decree 3/2008, on June 25th, in order to create new taxes as a result of the new legal system for cannabis consumer associations as established by this law, especially regarding the inspection and monitoring actions, in which the relevant departments of the Generalitat are responsible.

2. The Government must study the technical and economic feasibility of creating a new tax on cannabis, with the aim of reducing the risks and harm associated with its consumption, internalising the negative externalities that are derived thereof and promoting healthy consumption habits.

Second. Regulatory implementation

1. The Government, within a period of one year on from the entry into force of this law and within the framework established by it, must approve the necessary provisions to implement and execute this law and to adopt the relevant measures which have the same purpose.

2. The regulatory implementation must respect the competencies of local authorities in the terms established by the legislation of the local regime.



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Third. Entry into force

This law shall enter into force on the day following its publication in the *Diari Oficial de la Generalitat de Catalunya*, and its financial effects in the budgetary year immediately after its approval.