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Legislative resolution of the German Bundestag

Act on the controlled handling of cannabis and z ur amendment of further regulations (Cannabis Act - CanG)

At its 155th session on 23 February 2024, the German Bundestag, based on the recommendation for a resolution and the report of the Committee on Health - printed matter 20/10426 - approved the

Draft law on the controlled handling of cannabis and the amendment of further regulations

(Cannabis Act - CanG) -

Printed matter 20/8704 -

in the attached version.

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**Act on the controlled handling of cannabis and amending other regulations
(Cannabis Act - CanG)**

From ...

The Bundestag has passed the following law:

I n v e s t m e n t s

- Article 1 Act on the handling of consumer cannabis (Consumer Cannabis Act - KCanG)
Article 2 Act on the Supply of Cannabis for Medical and Medical-Scientific Purposes (Medical Cannabis Act - MedCanG)
Article 3 Amendment of the Narcotics Act
Article 4 Amendment to the Narcotics Prescription Ordinance Article
5 Amendment to the Narcotics Foreign Trade Ordinance
Article 6 Amendment to the Special Fees Ordinance BMG Article 7
Amendment to the Medicinal Products Act
Article 8 Amendment to the Federal Non-Smoker
Protection Act Article 9 Amendment to the Youth Labour
Protection Act Article 10 Amendment to the
Workplace Ordinance
Article 11 Amendment to the Federal Central Register
Act Article 12 Amendment to the Criminal Code
Article 13 Amendment to the Introductory Act to the Criminal
Code Article 13a Amendment to the Code of Criminal Procedure
Article 14 Amendment of the Driving Licence
Ordinance Article 14a Amendment of the Courts
Constitution Act Article 14b Restriction of fundamental
rights
Article 15 Entry into force

Article 1

**Act on the Handling of Consumer Cannabis
(Consumer Cannabis Act - KCanG)**

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§ 1

Definitions

For the purposes of this Act and the ordinances issued on the basis of this Act, is or are

1. Cannabinoids: Ingredients of cannabis that can bind to receptors of the endocannabinoid system in the human body;
2. Tetrahydrocannabinol (THC): the natural active ingredient group delta-9-tetrahydrocannabinol;
3. Cannabidiol (CBD): the natural active ingredient group cannabidiol;

4. Marijuana: the dried flowers and the leaves of the cannabis plant close to the flower;
5. Hashish: the secreted resin of the cannabis plant;
6. Cuttings: young plants or shoot parts of cannabis plants that are to be used for the cultivation of cannabis plants and do not have inflorescences or fruit buds;
7. Propagation material: Seeds and cuttings of cannabis plants;
8. Cannabis: plants, flowers and other parts of plants and resin of plants belonging to the genus Cannabis, including the herbal ingredients referred to in point 1 and preparations of all the abovementioned substances with the exception of
 - a) Cannabis for medical purposes or cannabis for medical-scientific purposes within the meaning of Section 2 numbers 1 and 2 of the Medicinal Cannabis Act,
 - b) CBD,
 - c) Propagation material,
 - d) industrial hemp and
 - e) Plants as part of protective strips planted during beet cultivation, if they are thickened before flowering;
9. Industrial hemp: Plants, flowers and other parts of plants belonging to the genus Cannabis,
 - a) if the trade in them - with the exception of cultivation - serves exclusively commercial or scientific purposes that exclude abuse for intoxication purposes, and
 - aa) they originate from cultivation in Member States of the European Union with certified seed of hemp varieties which, on 15 March of the year of cultivation, are listed in the common catalogue of varieties of agricultural plant species and which have been certified in accordance with Article 17 of Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1). June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1), as amended by Regulation (EC) No 1829/2003 (OJ L 268, 18.10.2003, p. 1), as published by the European Commission in the C series of the Official Journal of the European Union, or
 - bb) their tetrahydrocannabinol content does not exceed 0.3 per cent, or
 - b) when
 - aa) they are cultivated by agricultural enterprises that
 - aaa) fulfil the requirements of § 1 (4) of the Act on Old-Age Insurance for Farmers, with the exception of enterprises in forestry, horticulture and viticulture, fish farming, pond farming, beekeeping, inland fishing and transhumance, or
 - bbb) are eligible for a direct payment in accordance with the provisions on direct payments under the common agricultural policy of the European Union, and
 - bb) the cultivation is carried out exclusively from certified seed of hemp varieties which are listed in the common catalogue of varieties of agricultural plant species on 15 March of the year of cultivation and which are published by the European Commission in the Official Journal of the European Union, C series, in accordance with Article 17 of Directive 2002/53/EC, as amended;
10. Preparation: a mixture of substances or a solution of one or more substances other than naturally occurring mixtures and solutions, irrespective of the physical state of the mixture or solution;
11. Home cultivation: non-commercial cultivation for the purpose of personal consumption;
12. Private home cultivation: home cultivation in the home;

13. Cultivation associations:
 - a) registered non-profit organisations or
 - b) registered co-operatives,whose exclusive purpose is the joint non-commercial cultivation and distribution of cannabis for personal use by and to members, the distribution of propagation material and the provision of information to members on cannabis-specific addiction prevention and counselling;
14. Advertising: any type of commercial communication with the purpose, effect or likely effect of directly or indirectly promoting the use or distribution of cannabis, whether the communication is made through the spoken word in person or on the radio, digitally, in the press or in any other printed publication inside or outside enclosed spaces, including shop window advertising; advertising shall also include commercial communication which must be assumed to be perceived by a not insignificant proportion of the addressees as advertising for cannabis in accordance with the first half-sentence;
15. Sponsorship: any promotion of individuals, growers' associations or events in the form of money, goods or services with the aim, effect or likely effect of directly or indirectly promoting the use or distribution of cannabis, with the exception of promotions in the internal relationship between a growers' association and its members;
16. Residence: the place where a person has lived for at least six months under circumstances that indicate that he or she will maintain and use the dwelling;
17. habitual residence: the place where a person resides under circumstances which indicate that he or she is staying in that place or area on a more than temporary basis; such circumstances are to be assumed in the case of a continuous stay in one place for at least six months, whereby short-term interruptions are not taken into account;
18. Children: Persons who have not yet reached the age of 14;
19. Young people: Persons who have reached the age of 14 but not yet the age of 18;
20. Adolescents: Persons who have reached the age of 18 but not yet the age of 21;
21. Greenhouses: self-contained cultivation sites for cannabis plants or propagation material located inside or outside enclosed premises;
22. pacified property: an area under cultivation, a plot of land, a greenhouse, a building or part of a building which is secured by the authorised person in an externally recognisable manner by means of protective devices against unauthorised entry;
23. Prevention officer: the person in charge of health and youth protection as well as addiction and prevention issues;
24. Relatives:
 - a) relatives and in-laws in the direct line, the spouse or civil partner, the fiancé, siblings, spouses or civil partners of siblings, siblings of spouses or civil partners, even if the marriage or civil partnership that established the relationship no longer exists or if the relationship or in-lawship has lapsed, and
 - b) Foster parents and foster children.

§ 2

Dealing with cannabis

- (1) It is forbidden,
 1. to possess cannabis,

2. to grow cannabis,
3. to produce cannabis,
4. trade in cannabis,
5. import or export cannabis,
6. cannabis,
7. to dispense or pass on cannabis,
8. cannabis for immediate consumption,
9. to administer cannabis,
10. otherwise bring cannabis into circulation,
11. to obtain cannabis or
12. to acquire or receive cannabis.

(2) The extraction of cannabinoids from the cannabis plant is prohibited. This does not apply to the

1. Extraction of CBD,
2. extraction required to determine the information pursuant to Section 21 (2) sentence 2 numbers 5 and 6.

(3) Persons who have reached the age of 18 are exempt from the prohibition in paragraph 1,

1. the handling of cannabis for scientific purposes in accordance with paragraph 4,
2. possession of cannabis according to § 3,
3. the private cultivation of cannabis according to § 9 and
4. the communal cultivation, transfer and receipt of cannabis in cultivation associations pursuant to Sections 11 to 23, 25, 26 and 29.

Sentence 1 does not apply in military areas of the Bundeswehr.

(4) Anyone wishing to possess, cultivate, produce, import, export, acquire, receive, dispense or pass on cannabis for scientific purposes, extract cannabinoids from the cannabis plant or trade in cannabis for scientific purposes requires a licence. The authorisation pursuant to sentence 1 may only be granted in exceptional cases and only to persons who have reached the age of 18. Sections 6, 7 (1) and (2), 4 sentence 1, Sections 8, 9, 11, 12, 14 to 21 and Section 27 of the Medical Cannabis Act shall apply mutatis mutandis subject to the proviso that the Federal Institute for Drugs and Medical Products shall be replaced by the federal authority specified by ordinance pursuant to sentence 6. § Section 7(3)(2) of the Medicinal Cannabis Act shall apply mutatis mutandis in the case of cultivation, manufacture and extraction. § Section 7(3)(3) of the Medicinal Cannabis Act shall apply mutatis mutandis in the case of import, export, acquisition, distribution and transfer. The Federal Ministry of Food and Agriculture shall, by statutory order without the consent of the Bundesrat, determine the federal authority responsible for issuing the licence pursuant to sentence 1 and for monitoring and implementing the regulations referred to in sentences 3 to 5.

(5) The handling of cannabis by federal or state authorities in the area of their official activities and by the authorities commissioned by them to investigate cannabis is exempt from the prohibition under subsections 1 and 2 sentence 1.

(6) Notwithstanding subsection (4), the customs authorities may, in the performance of their duties under section 1(3) of the Customs Administration Act, seize goods where there is reason to believe that they are cannabis that has been or is to be brought into, from or through the area of application of this Act contrary to subsection (1). Sections 48 to 50 of the Federal Police Act shall apply accordingly. Costs incurred by the customs authorities as a result of the seizure and custody shall be borne by the offender.

The costs shall be borne by the person responsible; Sections 17 and 18 of the Federal Police Act shall apply accordingly. Several responsible parties are jointly and severally liable. The costs can be recovered in administrative enforcement proceedings.

§ 3

Authorised possession of cannabis

(1) Persons who have reached the age of 18 are permitted to possess up to 25 grams of cannabis, in the case of flowers, leaves close to the flower or other plant material of the cannabis plant based on the weight after drying, for personal consumption.

(2) Persons who have reached the age of 18 are, by way of derogation from paragraph 1, authorised to possess cannabis at their place of residence or habitual abode within the scope of this Act as follows:

1. up to 50 grams of cannabis, in the case of flowers, near-flowering leaves or other plant material of the cannabis plant, by weight after drying, and
2. of up to three live cannabis plants.

In cases of authorised possession of cannabis in accordance with sentence 1 number 1 and paragraph 1, the total quantity of cannabis possessed may not exceed 50 grams of cannabis, in the case of flowers, leaves close to the flower or other plant material of the cannabis plant in relation to the weight after drying.

(3) Notwithstanding paragraph 2, persons who have reached the age of 18 are only permitted to possess cannabis beyond paragraph 1 within the pacified property of a cultivation association with a licence pursuant to Section 11 paragraph 1 or for the purpose of transport pursuant to Section 22 paragraph 3.

§ 4

Handling cannabis seeds

(1) The handling of cannabis seeds is permitted as long as the cannabis seeds are not intended for unauthorised cultivation.

(2) By way of derogation from paragraph 1, the importation of cannabis seeds for the purpose of private home cultivation of cannabis pursuant to Section 9 or the communal home cultivation of cannabis in cultivation associations pursuant to Chapter 4 is only permitted from Member States of the European Union.

(3) The provisions on handling propagation material in accordance with Section 10 and Chapter 4 remain unaffected by paragraph 1.

(4) Cannabis seeds that have been imported or are to be imported contrary to paragraph 2 may be seized; Section 2 paragraph 5 applies accordingly.

Chapter 2

Health protection, child and youth protection, prevention

§ 5

Consumption ban

(1) The consumption of cannabis in the immediate presence of persons who have not yet reached the age of 18 is prohibited.

(2) The public consumption of cannabis is prohibited:

1. in schools and within sight of them,
2. in children's playgrounds and within sight of them,
3. in children's and youth facilities and within sight of them,
4. in publicly accessible sports facilities and within sight of them,
5. in pedestrian zones between 7 a.m. and 8 p.m. and
6. within the pacified property of cultivation associations and within their line of sight.

Within the meaning of sentence 1, visibility is no longer given at a distance of more than 100 metres from the entrance area of the facilities referred to in sentence 1 numbers 1 to 4 and 6.

(3) The use of cannabis is prohibited in military areas of the Bundeswehr.

§ 6

General ban on advertising and sponsorship

Advertising and any form of sponsorship for cannabis and cultivation organisations is prohibited.

§ 7

Early intervention

(1) If a minor violates section 2(1)(1), (2) or (12) without complying with § 34 paragraph 1 numbers 1, 2 or 12, the responsible police and regulatory authority must immediately inform the legal guardians.

(2) If there are strong indications that the welfare of the child or young person is at risk, the competent police and regulatory authority must also immediately inform the competent local youth welfare organisation and provide the data it considers necessary to assess the risk of danger. Significant indications of danger may exist in particular if there are indications of risky consumer behaviour, taking particular account of the age of the minor. § Section 4 (2) of the Act on Co-operation and Information in Child Protection applies accordingly.

(3) The responsible local youth welfare service provider, with the involvement of the person with custody, must work towards ensuring that children and young people make use of suitable early intervention programmes or comparable measures from other service providers.

§ 8

Addiction prevention

(1) The Federal Centre for Health Education

1. establishes a digital platform on which it provides information in a user-friendly and addressee-orientated manner to
 - a) the effects, risks and risk-reduced use of cannabis,
 - b) offers for addiction prevention, addiction counselling and addiction treatment as well as
 - c) this law,
2. is developing and expanding its existing range of cannabis-specific prevention measures for children, adolescents and young adults with regard to the use of cannabis in an evidence-based manner,

3. establishes a structured, digital, target-group-specific counselling service for cannabis users and
4. advises and informs target group-specific cannabis users about
 - a) Addiction prevention measures,
 - b) the effects, risks and risk-reduced use of cannabis, and
 - c) the possibilities of further counselling or help close to home.

(2) The Federal Centre for Health Education shall provide cultivation associations no later than ... [insert: day three months after entry into force in accordance with Article 15(1) of this Act] the information provided by them in accordance with

§ The information and instructions to be provided in accordance with Section 21 (3) are available for digital download in easy-to-understand language.

Chapter 3

Private cultivation by adults

§ 9

Requirements for private home cultivation

(1) Persons who have reached the age of 18 are authorised to privately cultivate a total of no more than three cannabis plants at the same time at their place of residence or habitual abode within the scope of this Act.

(2) Cannabis from private home cultivation may not be passed on to third parties.

§ 10

Protective measures in the private sphere

Cannabis and propagation material must be protected from access by third parties, especially children and adolescents, at the place of residence and habitual abode by means of appropriate measures and security precautions.

Chapter 4

Community cultivation and controlled distribution of cannabis and propagation material in cultivation associations for personal use

Assessment 1

Presents for communication and cannability provided in communications

§ 11

Licence requirement

(1) Anyone who cultivates cannabis collectively and passes it on to members for their own consumption requires a licence from the competent authority.

(2) Authorisation may only be granted to cultivation associations.

(3) The competent authority shall grant the licence upon application if

1. the persons authorised to represent the cultivation association have unlimited legal capacity and the reliability required for handling cannabis and propagation material,
2. the cultivation association ensures that cannabis and propagation material within its pacified property is adequately protected against access by unauthorised third parties, in particular children and adolescents, and
3. the growers' association ensures compliance with the other provisions of this Act and the regulations for growers' associations issued on the basis of this Act.

(4) The application for authorisation must be submitted in writing or electronically and must contain the following information and evidence in German:

1. Name, telephone number and electronic contact details and address of the registered office of the growers' association,
2. the competent registration court and the registration number of the growers' association,
3. First name, surname, date of birth, address and electronic contact details of the board members and other authorised representatives of the growers' association,
4. First name, surname, date of birth, address and electronic contact details of all paid employees of the cultivation organisation who are given access to cannabis and propagation material,
5. a certificate of good conduct issued no more than three months prior to the application for permission for submission to an authority pursuant to Section 30 (5) of the Federal Central Criminal Register Act and information from the Central Trade Register pursuant to Section 150 (1) sentence 1 of the Trade Regulation Act issued no more than three months prior to the application for permission for each member of the Management Board and for each other person authorised to represent the growers' association,
6. the estimated future number of members of the growers' association,
7. Location or probable location of the pacified property of the cultivation association by place, street and house number, if applicable, indication of the parcel name, the name of the building and the part of the building,
8. Size or estimated size of the cultivation areas and greenhouses of the growers' association in hectares or square metres,

9. the quantities of cannabis in grams, broken down into marijuana and hashish, that are expected to be cultivated and distributed per year,
10. Presentation of the safety and protective measures taken or expected to be taken in accordance with Section 22 (1),
11. First name, surname, date of birth, address and electronic contact details of the prevention officer appointed in accordance with Section 23 (4) sentence 2 as well as proof of his or her counselling and prevention knowledge to be provided in accordance with Section 23 (4) sentence 5,
12. the health and youth protection concept to be drawn up in accordance with Section 23 (6).

(5) The competent authority shall decide on the application for authorisation within three months of receiving all the information and evidence referred to in paragraph 4.

(6) Cultivation associations must notify the competent authority of the following changes occurring after the application for authorisation has been submitted immediately after becoming aware of them, but no later than one month after they become legally effective:

1. Amendments in relation to the information and evidence referred to in paragraph 4 numbers 1 to 4 and 6 to 12,
2. final convictions of a member of the board of directors or another person authorised to represent the growers' association for the offences referred to in Section 12(2)(1), and
3. Decisions, waivers and decisions imposing fines, as referred to in Section 149(2)(1) to (3) of the Trade Regulation Act, against a member of the Board of Directors or any other person authorised to represent the growers' association.

(7) The authorisation cannot be transferred to third parties.

§ 12

Refusal of authorisation

(1) Authorisation pursuant to Section 11 (1) shall be refused if

1. a member of the Board of Directors or another person authorised to represent the growers' association does not possess the reliability required for his or her activities in the growers' association,
2. a member of the Board of Directors or another person authorised to represent the growers' association is legally incapable or has limited legal capacity,
3. the growers' association has not appointed a prevention officer in accordance with Section 23 (4) sentence 2 or has not submitted proof of the advisory and prevention skills required under Section 23 (4) sentence 5,
4. the growers' association has not submitted the health and youth protection concept to be drawn up in accordance with Section 23(6),
5. in the statutes of the growers' association
 - a) the purpose of the growers' association is not exclusively the communal home cultivation and the distribution of cannabis grown in communal home cultivation by and to its members for personal consumption, the provision of information to members on cannabis-specific addiction prevention and counselling, and the distribution of propagation material obtained in communal home cultivation for private home cultivation to its members, to other persons who have reached the age of 18, or to other growers' associations,
 - b) there is no minimum membership period of three months,
 - c) does not stipulate that members must have reached the age of 18 and be resident or ordinarily resident in Germany,
 - d) it is not provided that the acquisition and continuation of membership is linked to a domicile or habitual residence in Germany, or

- e) In the case of cooperatives, it is not intended that the profit is not distributed to the members, but is allocated to the legal reserve and other revenue reserves,
- 6. the pacified property of the growers' association is not suitable for communal home cultivation and the transfer of cannabis grown in communal home cultivation for personal consumption by and to its members because it is located within 200 metres of the entrance area of schools, children's and youth facilities or children's playgrounds, is not secured in accordance with Section 22(1) sentence 2 or is not protected against access from outside in accordance with Section 23(3),
- 7. the demarcated property of the growers' association is located wholly or partly within a private dwelling, or
- 8. the pacified property of the growers' association is wholly or partly within a military area.

If the growers' association has not submitted proof of the advisory and prevention knowledge of the prevention officer appointed by it pursuant to Section 23(4) sentence 5 with the application for the licence pursuant to Section 11(1), the competent authority may, in derogation from sentence 1 number 3, grant the licence on condition that the advisory and prevention knowledge of the prevention officer is proven within a period of at least three months.

(2) A member of the board of directors or another person authorised to represent the growers' association does not possess the reliability required under paragraph 1 sentence 1 number 1, in particular if

- 1. the person concerned has been convicted by final judgment of a felony or one of the following offences committed in the five years preceding the application:
 - a) an offence under sections 181a, 232 (1), (2), (3) sentence 1 or (4), section 232a (1), (2) or paragraph 6, section 232b paragraph 1 or paragraph 2, section 233a paragraph 1 or paragraph 2, sections 243, 244 paragraph 1 or paragraph 2, § 246 paragraph 2 or paragraph 3, §§ 253, 257 to 260, 261, 263 paragraph 1, 2 or ab-sentence 3, Sections 263a and 264 (1), (2) or (4), Sections 264a, 265b to 266a, 267 (1), (2) or paragraph 3, sections 268 to 281, 298 to 300, 315a paragraph 1 number 1 or paragraph 2, section 315c paragraph 1
The offence is a violation of the first sentence 1 number 1 letter a or paragraph 2, sections 316, 323a, 331 and 332 paragraph 1 or paragraph 3 or sections 333 to 335 of the Criminal Code,
 - b) an offence under Section 27 of the Youth Protection Act or under Section 58 (5) or (6) of the Youth Employment Protection Act,
 - c) an offence under Section 370 or Sections 372 to 374 of the Fiscal Code,
 - d) an offence under Section 4 (1), (2) or (3) of the Anti-Doping Act,
 - e) an offence under Section 1 or Section 2 of the EU Financial Protection Reinforcement Act,
 - f) an offence under the New Psychoactive Substances Act,
 - g) an offence under this Act or
 - h) an offence under the Narcotics Act or the Medicinal Products Act with the exception of criminal offences that are exempt from punishment under this Act or the Medicinal Cannabis Act, or
- 2. concrete facts justify the assumption that they
 - a) encourages or will encourage the misuse of cannabis by other persons, or
 - b) does not comply with the prohibitions regulated in §§ 2, 5, 6, 19 to 23 or 25, the prohibitions regulated in §§ 17 to 23, 25 or 26 or the requirements set out in §§ 3, 16, 17 or 19 to 22.

(3) Permission may be refused if specific facts justify the assumption that a member of the executive board or another person authorised to represent the growers' association is not, with sufficient probability, complying with the prohibitions set out in Sections 2, 5, 6, 19 to 23 or 25, or the provisions set out in Sections 17 to 23, 25 or 26 or the requirements set out in §§ 3, 16, 17 or 19 to 22.

(4) The competent authority may request information from the growers' association, the submission of documents and access to the pacified property of the growers' association outside a dwelling during normal opening hours in order to check whether the conditions for authorisation pursuant to Section 11(3) and possible grounds for refusal pursuant to paragraph 1 are met.

§ 13

Content of the licence

(1) The licence covers the communal home cultivation and the transfer of the cannabis cultivated in communal home cultivation by and to members of the cultivation association for personal consumption in accordance with the provisions of this chapter.

(2) The authorisation must clearly designate the pacified property of the growers' association. It may only cover activities within the pacified property of the growers' association.

(3) The licence shall be limited to the annual quantities of cannabis for personal cultivation and distribution that are likely to be required to meet the personal needs of the members of the cultivation association for their own consumption. The competent authority shall subsequently adjust the licence with regard to the annual quantities of cannabis for home cultivation and onward supply if the cultivation association proves, on the basis of changes in the number of members, that the annual quantities of cannabis for home cultivation and onward supply required to meet its own needs have changed.

(4) The competent authority may impose conditions and requirements on the licence when it is granted or subsequently in order to ensure that the conditions laid down in this Act for the granting of the licence are met.

§ 14

Duration of the licence

The duration of the licence shall be limited to a period of seven years. It may be extended upon application after a minimum of five years; the provisions of Sections 11 to 13 shall apply accordingly to the extension of the licence.

§ 15

Revocation and cancellation of the permit

(1) The authorisation may be revoked in full or in part with regard to the cultivation or transfer quantities or the released property of the growers' association, in particular if the growers' association

1. uses a pacified property that is not designated in the licence,
2. repeatedly exceeds the annual home-grown and onward supply quantities permitted under Article 13(3),
3. repeatedly passes on cannabis with a THC content higher than 10 per cent to adolescents or repeatedly exceeds the quantities specified in Section 19 (3) sentence 2,
4. has not made use of the authorisation within a period of two years after it was granted; the period may be extended by the competent authority if the growers' association can credibly demonstrate a justified interest in extending the period, or
5. repeatedly fails to fulfil its obligations to tolerate or cooperate in accordance with § 29, or fails to do so in full.

(2) In all other respects, the provisions of the Administrative Procedure Act apply to the revocation and cancellation of the permit.

Assessment 2
Managemental conservation and conservations

§ 16

Membership

(1) Cultivation associations may only have members who have reached the age of 18.

(2) A growers' association may have a maximum of 500 members. A person may only be a member of one growers' association.

(3) A person may only be accepted as a member of a growers' association if he or she confirms to the growers' association in writing or electronically that he or she is not a member of another growers' association. The self-declaration according to sentence 1 must be kept by the growers' association for three years.

(4) A person may only be accepted as a member of a growers' association if he or she can prove to the growers' association by presenting an official photo ID or other suitable official documents that he or she

1. has a domicile or habitual residence in Germany and
2. has reached the age of 18.

If the domicile or habitual residence changes, the member must inform the growers' association immediately.

(5) Growers' organisations that are associations must provide in their articles of association for a minimum membership period of three months and for the loss of membership in the event that the domicile or habitual residence of a member is no longer in Germany. Cultivation associations that are cooperatives shall provide in their articles of association for the exclusion of a member in the event that the member's place of residence or habitual abode is no longer in Germany, and shall stipulate in their articles of association that no cannabis or propagation material may be supplied to a member whose place of residence or habitual abode is no longer in Germany.

(6) Board members and other persons authorised to represent a growers' association must be members of the growers' association.

§ 17

Requirements for the community cultivation of cannabis; authorisation to issue ordinances

(1) In cultivation associations, cannabis may only be cultivated jointly by members. Cultivation associations may only assign activities directly related to the communal cultivation or distribution of cannabis to marginally employed persons within the meaning of Section 8(1) of the Fourth Book of the German Social Code if they are members of the cultivation association. They may only commission other paid employees or non-members with activities that are not directly related to the communal cultivation or distribution of cannabis.

(2) The members of the growers' association must actively participate in the communal cultivation of cannabis. Active participation is deemed to exist in particular if members of the growers' association are personally involved in the collective home cultivation and in activities directly related to the collective home cultivation.

(3) Cultivation organisations shall comply with the principles of good professional practice in the case of collective self-cultivation. They shall take sufficient precautions to minimise risks to human health that may arise from the substances, materials or objects referred to in paragraph 4.

(4) The Federal Ministry of Food and Agriculture is authorised, in agreement with the Federal Ministry of Health, to determine the following by statutory order with the approval of the Bundesrat, insofar as this is necessary for the protection of health:

1. Maximum levels of the following substances or their degradation, transformation or reaction products in or on cannabis or propagating material jointly cultivated in cultivation associations:
 - a) Plant protection products within the meaning of Article 2 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1; L 45, 18.2.2020, p. 81), as last amended by Regulation (EU) 2022/1438 (OJ L 227, 1.9.2022, p. 2), as amended,
 - b) Fertilisers within the meaning of the Fertiliser Act,
 - c) other plant or soil treatment products,
 - d) Biocidal products within the meaning of the Chemicals Act, insofar as they are used for stock protection or pest control,
 - e) mycotoxins, heavy metals or other comparable substances that are undesirable for health and
 - f) Microorganisms,
2. Maximum levels for
 - a) substances in packaging and other materials and objects intended to come into contact with cannabis or propagating material, and
 - b) the transfer of substances from packaging and other materials and objects intended to come into contact with cannabis or propagating material into or onto cannabis or propagating material,
3. the procedure for setting maximum levels and specifications for the data requirements for setting maximum levels and
4. agricultural, horticultural or other requirements for collective home cultivation in growers' associations, in particular with regard to hygiene, drying, storage or the water content of cannabis or propagating material grown collectively in growers' associations.

§ 18

Quality assurance measures by growers' associations

(1) Cultivation organisations must ensure that their activities comply with the provisions of this Act and the regulations issued on the basis of this Act at all times. They shall avoid risks to human health that go beyond the typical dangers of cannabis consumption. A risk within the meaning of sentence 2 shall be presumed if the cannabis or propagating material distributed by the growers' association is not fit for distribution pursuant to subsections 4 and 5.

(2) In order to verify the quality of the cultivated cannabis, the propagating material obtained in the course of communal home cultivation and the acquired propagating material, as well as to ensure compliance with the provisions of this Act and the regulations issued pursuant to this Act, in particular compliance with the provisions of Section 19 subsection (3) sentence 2, the cultivation associations shall regularly take and examine random samples of the cultivated cannabis and the aforementioned propagating material and ensure their suitability for further distribution in accordance with subsections (4) and (5).

(3) Cultivation organisations must immediately destroy cannabis and propagation material that cannot be passed on.

(4) Cannabis is not transferable if

1. the cannabis has not been cultivated by the growers' association collectively within its pacified property,
2. the cultivation association that intends to distribute the cannabis does not have a valid licence under § 11 paragraph 1,
3. the cannabis cultivated or intended for distribution exceeds the annual quantities of home cultivation or distribution authorised under Section 13(3),
4. substances are contained in or on the cannabis or propagating material to an extent that exceeds the maximum levels specified in an ordinance pursuant to Section 17(4),
5. the cannabis is not passed on in its pure form as marijuana or hashish, or
6. the cannabis is mixed, blended or combined with the substances referred to in Section 21 (1) sentence 1.

(5) Propagating material cannot be passed on if

1. the propagating material was not obtained from the communal cultivation of cannabis within the cultivation association's peaceful possession, or
2. The growers' association wishing to pass on the propagating material does not have a licence under § 11 paragraph 1.

Assessment 3

Controlling and material instruction of cannabis and material instructions

§ 19

Controlled distribution of cannabis

(1) Cultivation organisations may only pass on cannabis that is grown collectively within their pacified property. The distribution of cannabis is only permitted in its pure form as marijuana or cannabis.

(2) Cannabis may only be passed on by members to members of the growers' associations for the purpose of personal consumption within the pacified property and in the simultaneous personal presence of the member passing it on and the member receiving it. Cultivation associations must ensure that every time cannabis is passed on, a strict check of age and membership is carried out by presenting the membership card in conjunction with an official photo ID.

(3) Cultivation organisations may distribute a maximum of 25 grams of cannabis per day and a maximum of 50 grams per calendar month to each member who has reached the age of 21 for personal use. Cultivation organisations may distribute a maximum of 25 grams of cannabis per day and a maximum of 30 grams of cannabis per calendar month to adolescents. The cannabis that is passed on to adolescents may not exceed a THC content of 10 per cent.

(4) Members may not pass on cannabis that they have received from the growers' associations to third parties. The shipping and delivery of cannabis is prohibited.

§ 20

Controlled transfer of propagation material

(1) Cultivation organisations may only pass on the propagation material obtained from their own collective cultivation within their pacified property to

1. their members,
2. Non-members who
 - a) have reached the age of 18 and
 - b) have their domicile or habitual residence in Germany, or
3. other growers' organisations.

The person passing on the data and the person receiving it must be present in person when the data is passed on.

(2) Whenever propagating material is passed on to the persons referred to in paragraph 1 sentence 1, growers' associations shall ensure that strict checks are carried out on the age and place of residence or habitual abode in Germany by presenting an official photo ID.

(3) Cultivation organisations may pass on a maximum of seven seeds or five cuttings or a maximum total of five seeds and cuttings per calendar month to a person referred to in paragraph 1 sentence 1 numbers 1 and 2.

(4) Propagating material may only be passed on in accordance with paragraph 1 for the following purposes:

1. for private home cultivation in the case of transfer to the persons referred to in paragraph 1 sentence 1 number 1 or number 2,
2. for the quality assurance of the cannabis cultivated in the growers' association that accepts the propagating material, in the case of transfer to other growers' associations pursuant to subsection (1) sentence 1 number 3.
- (5) The dispatch and delivery of cuttings is prohibited.

§ 21

Health protection measures for the transfer of cannabis and propagation material

(1) Cultivation organisations may not distribute cannabis that is mixed, blended or combined

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h

1. Tobacco,
2. Nicotine,
3. Foodstuffs,
4. animal feed or
5. other additives.

They may also not pass on the substances listed in sentence 1 individually.

(2) Cultivation organisations may only pass on cannabis and propagation material in neutral packaging. When passing on cannabis, they must provide the person receiving it with an information sheet containing at least the following information about the cannabis being passed on:

1. Weight in grams,
2. Harvest date,

3. Best before date,
4. Variety,
5. average THC content in per cent,
6. average CBD content in per cent,
7. the information referred to in paragraph 3 sentence 2.

Cultivation organisations must provide at least the information specified in sentence 2 numbers 3 to 6 on an information sheet when passing on propagating material.

(3) When distributing cannabis and propagation material, cultivation associations shall provide educational, evidence-based information on the dosage and use of cannabis and on the risks of cannabis use, as well as information on counselling and treatment centres in connection with cannabis use. In particular, the growers' association must draw attention to

1. possible neurological and health damage caused by the use of cannabis under the age of 25,
2. necessary precautions for the protection of children and adolescents, including nonconsumption during pregnancy and breastfeeding,
3. Drug interactions and mixed use with other psychoactive substances,
4. Restrictions on the ability to drive and operate machinery and
5. further information on the platform established in accordance with section 8 (1) no. 1.

(4) The Federal Ministry of Food and Agriculture is authorised, in agreement with the Federal Ministry of Health, to stipulate by statutory order with the approval of the Bundesrat that

1. on a label firmly attached to the packaging of cannabis referred to in paragraph 2 sentence 1 or on the packaging of cannabis, the information referred to in paragraph 2 sentence 2 must be provided,
2. on a label firmly attached to the packaging of propagating material referred to in paragraph 2 sentence 1 or on the packaging of propagating material, the information referred to in paragraph 2 sentence 2 numbers 3 to 7 must be provided,
3. the information sheet to be issued in accordance with paragraph 2 sentence 3 must also contain the information specified in paragraph 2 sentence 2 number 7, and
4. further information required for the protection of health or for other equivalent reasons must also be provided on the information leaflet to be provided pursuant to subsection (2) sentence 2 or sentence 3, on a label firmly attached to the packaging of cannabis or propagating material referred to in subsection (2) sentence 1 or on the packaging.

§ 22

Securing and transporting cannabis and propagation material

(1) Cultivation associations shall protect cannabis and propagating material against access by unauthorised third parties, in particular children and adolescents. Pacified property in or on which cannabis and propagating material is cultivated, extracted or stored shall be secured against unauthorised entry and against the removal of cannabis or propagating material by means of fencing, burglar-proof doors and windows or other suitable protective measures.

(2) Cultivation associations may not store cannabis and propagating material outside the pacified property specified in the licence pursuant to Section 11(1) or, with the exception of the cases specified in subsections (3) and (5), transport them to locations other than the pacified property specified in the licence pursuant to Section 11(1).

(3) The transport of more than 25 grams of cannabis between parts of the pacified property of the same cultivation organisation is permitted if the parts are physically directly connected or if

1. the quantity of cannabis transported in each case does not exceed one twelfth of the annual quantity authorised for home cultivation and onward supply under Section 13(3),
2. the cannabis being transported is protected against access by unauthorised third parties, in particular children and adolescents, and the container used for transport is secured against the removal of the cannabis by suitable protective measures,
3. the cultivation organisation notifies the competent authority in writing or electronically of the date, the start and destination address of the transport and the quantities in grams and varieties of the cannabis transported at least one working day before the start of the transport,
4. the transport is carried out by at least one member or accompanied by at least one member of the growers' association and
5. the member carrying out or accompanying the transport carries his membership card of the growers' association, an analogue or digital copy of the permission of the growers' association according to § 11 paragraph 1 and a transport certificate issued by the growers' association and signed by an authorised representative of the growers' association.

(4) The transport certificate referred to in paragraph 3(5) must contain the following information:

1. Name and address of the registered office of the growers' association,
2. Date of transport,
3. Start and destination address of the transport,
4. Quantities in grams and types of cannabis transported and
5. Name and contact details of the authority responsible for the notification pursuant to paragraph 3 number 3.

(5) The transport of propagating material between parts of the pacified property of the same growers' association or between the pacified property of different growers' associations is permitted;
§ Section 20 (5) remains unaffected.

A s s e s s m e n t 4

K i n d e r - a n d y o u g h t s c h o o l , s u c h t p r e v e n t i o n i n c o m m u n i c a t i o n s

§ 23

Child and youth protection and addiction prevention in growers' associations

(1) Cultivation associations may not grant access to their pacified property to persons who have not yet reached the age of 18.

(2) Growers' associations may not make their pacified property recognisable to the outside world by means of advertising signs or other conspicuous design elements. A factual indication of the name of the growers' association at the entrance is permitted.

(3) Cultivation areas and greenhouses used outside of indoor areas must be protected from outside view by fencing or other suitable measures.

(4) Cultivation organisations are obliged to contribute to comprehensive youth and health protection and to encourage their members to handle cannabis responsibly. To this end, the board of each growers' association appoints a member as prevention officer. The prevention officer is available to members of the respective growers' association as a contact person for questions relating to addiction prevention. He shall ensure that suitable measures are taken by the growers' association to achieve comprehensive youth and health protection and to prevent addiction; in particular, the prevention officer shall contribute his knowledge to the creation of the health and youth protection concept in accordance with paragraph 6 and ensure its implementation. The prevention officer must prove to the growers' association that he or she has specific counselling and prevention knowledge acquired through addiction prevention training at state or specialist addiction prevention or addiction counselling centres or at comparably qualified publicly funded institutions. Proof of the counselling and prevention knowledge is provided by a certificate of participation in one of the training courses mentioned in sentence 5.

(5) Cultivation associations should cooperate with local addiction counselling centres in such a way that members with risky consumption behaviour or an existing addiction are given access to the addiction help system.

(6) Cultivation organisations must draw up a health and youth protection concept in which suitable measures are set out to achieve comprehensive youth and health protection in the cultivation organisation, in particular to reduce the risk of cannabis consumption and to prevent addiction.

A s s e s s m e n t 5

M e m b e r o f c o m m i t m e n t a t i o n a n d d e v e l o p m e n t c o n d i t i o n i n c o n s t r u c t i o n s

§ 24

Membership fees; current contributions

Cultivation associations, if they are associations, shall determine their membership fees and, if they are cooperatives, the current contributions of their members for the fulfilment of their exclusive purpose stated in § 1 number 13 in their articles of association.

§ 25

Cost recovery

For the transfer of propagating material to other growers' associations pursuant to Section 20 (1) sentence 1 number 3 or to the persons referred to in Section 20 (1) sentence 1 number 2, growers' associations shall demand reimbursement from the respective recipient of the costs incurred for the extraction of the propagating material transferred.

Assessment 6
Operation of construction of constructions

§ 26

Documentation and reporting obligations of growers' associations

(1) Cultivation organisations must document the following information on an ongoing basis to prove compliance with the requirements of Sections 18 to 20 and 22 for the traceability of the cannabis and propagating material transferred:

1. Surname, first name and address of each person, name and registered office of each growers' organisation or name and registered office of each legal entity from which they have received propagating material,
2. Quantities of cannabis in grams and pieces of propagating material that are in or on their free possession,
3. Quantities of cannabis cultivated in grams,
4. Quantities of cannabis destroyed in grams and number of pieces of propagating material destroyed,
5. The surname, first name and year of birth of each member to whom cannabis has been transferred and the following details of the cannabis transferred:
 - a) Quantity in grams,
 - b) average THC content,
 - c) Date of transfer,
6. Surname, first name and year of birth of each member to whom propagating material has been passed on, as well as the following information on the propagating material passed on:
 - a) Number of pieces of propagation material passed on,
 - b) Date of transfer and
7. Quantities in grams and types of cannabis transported in accordance with Section 22(3), surname and first name of the member carrying out or accompanying the transport, as well as the date, start and destination address of the respective transport.

When passing on propagating material to the persons named in § 20 paragraph 1 sentence 1 number 2, the growers' associations shall, in deviation from sentence 1 number 6, only document the number of units and the date of transfer.

(2) Growers' associations shall keep the records of the information referred to in paragraph 1 for five years and transmit them electronically to the competent authority on request. For the purpose of evaluation in accordance with Section 43, growers' associations shall transmit the information documented in the previous calendar year in accordance with paragraph 1 to the competent authority electronically in anonymised form by 31 January of each year.

(3) In order to prove compliance with the annual quantities of home cultivation and onward supply permitted under Section 13(3), cultivation associations must submit the following information electronically to the competent authority by 31 January of each calendar year on the quantities of cannabis in grams that are

1. by them in the previous calendar year
 - a) were cultivated,
 - b) were passed on,
 - c) were destroyed and

2. were available at the end of the previous calendar year.

The data should be broken down by cannabis variety and the respective average THC and CBD content.

(4) Cultivation organisations shall inform the competent authority without delay if they know or suspect, on the basis of the information available to them or their experience, that the consumption of the cannabis they distribute or the use of the propagation material they distribute poses a risk to human health that goes beyond the typical dangers of consuming cannabis, in particular due to the content of substances referred to in Section 17(4). The cultivation associations shall immediately take the necessary measures to eliminate the risk, in particular to inform their members and to recall, take back and destroy the cannabis or propagation material concerned.

(5) If there is suspicion of the loss or unauthorised transfer of cannabis or propagation material, the cultivation association shall inform the competent authority without delay. Persons authorised to represent the cultivation association may refuse to provide information pursuant to sentence 1 if the information would expose them or one of their relatives to the risk of criminal prosecution or proceedings under the Act on Regulatory Offences.

§ 27

Measures of official monitoring

(1) The competent authority shall regularly take samples of the cannabis and propagating material present on the pacified property of cultivation associations and shall carry out regular on-site inspections in an appropriate manner and to an appropriate extent, whether it complies with the requirements of this Act and the regulations issued on the basis of this Act and whether the cultivation associations comply with the provisions of this Act and the regulations issued on the basis of this Act, in particular with regard to the protection of health, children and minors, as well as with the requirements laid down in Section 13 (4), when cultivating cannabis and propagating material collectively and passing it on. Regular on-site inspections and sampling shall take place at each cultivation organisation once a year and also on an ad hoc basis.

(2) In its monitoring pursuant to paragraph 1 sentence 1, the competent authority shall take into account the data and information submitted to it pursuant to Section 26 paragraph 2 sentence 1, paragraph 3 and paragraph 4 sentence 1 as well as the complaints and information it receives about growers' associations. It shall request additional information from the

§ The competent authority shall notify the cultivation organisation informing the competent authority pursuant to Section 26 subsection 4 sentence 1 insofar as this is necessary to verify the existence of risks to human health that go beyond the typical dangers of cannabis use. If the competent authority suspects the existence of a risk to human health that goes beyond the typical dangers of the use of cannabis, it may, in addition to taking the measures referred to in subsection 3, itself warn the public or the members of a growers' association if the growers' association that has distributed or intended to distribute the cannabis or propagating material fails to issue a warning or fails to do so in good time pursuant to Section 26 subsection 4 sentence 2 or fails to take another equally effective measure, in particular the recall, withdrawal and destruction of the cannabis or propagating material, or fails to do so in good time.

(3) The competent authority shall take the necessary measures if it has reasonable grounds to suspect that the cannabis cultivated or distributed by a cultivation organisation or the propagating material received or intended for distribution does not comply with the requirements of this Act or the regulations issued on the basis of this Act, or that a cultivation organisation does not or does not fully comply with the requirements of this Act for the protection of health, children and minors or the conditions laid down in Section 13 subsection 4 when cultivating or distributing cannabis or propagating material collectively. In particular, the competent authority is authorised to

1. to order measures against a cultivation organisation to ensure that cannabis is not distributed until it complies with the requirements of this Act and the regulations issued pursuant to this Act,

2. to order a cultivation organisation to test or have tested the cannabis it cultivates or the propagating material it intends to distribute or the propagating material it receives and to notify the competent authority of the result of the test,
3. to temporarily prohibit a cultivation organisation from cultivating or distributing cannabis or from distributing propagation material,
4. to order the recall and withdrawal of distributed cannabis or propagation material by the growers' association,
5. to seize cannabis or propagating material present in the pacified property of a cultivation association that poses a risk to human health that goes beyond the typical dangers of cannabis consumption and to destroy this cannabis or propagating material or have it destroyed,
6. to prohibit the activities of a growers' association in whole or in part,
7. order the growers' association to warn the public or its members of the risks associated with the cannabis or propagating material distributed, over and above the typical dangers of cannabis use,
8. to order the removal of advertising and sponsorship material or the omission of advertising or sponsorship measures.

(4) Measures pursuant to subsection 3 sentence 2 numbers 3 to 6 shall require that the transfer of the cannabis or propagating material in question poses a risk to human health that goes beyond the typical dangers of cannabis use and which, due to the likelihood of the danger occurring and the severity of the impending harm, requires rapid intervention by the competent authority, taking into account the normal and foreseeable use of the cannabis or propagating material in question, even if the risk has not yet materialised. The competent authority shall base its decision to take action on a risk assessment, taking into account the nature and severity of the harm and the likelihood of the harm occurring. The possibility of achieving a higher level of safety with regard to human health or the availability of other cannabis or propagating material that poses a lower risk to human health shall not be sufficient grounds for assuming that rapid intervention within the meaning of sentence 1 is necessary.

(5) The competent authority shall revoke or amend a measure ordered under subsection (3) as soon as the cultivation organisation that has transferred or intended to transfer the cannabis or propagating material conclusively demonstrates that it has taken effective measures to comply with the provisions of this Act, the regulations issued pursuant to this Act and the conditions imposed under section 13(4).

(6) Appeals and actions for annulment against orders and measures pursuant to paragraph 3 sentence 2 shall have no suspensive effect.

(7) The Federal Ministry of Food and Agriculture is hereby authorised, in agreement with the Federal Ministry of Health, to lay down, by ordinance subject to the approval of the Bundesrat, provisions on the procedure for sampling and testing products pursuant to subsection (1) sentence 1.

§ 28

Powers of the authorities to monitor

- (1) The competent authority is authorised to the extent necessary to fulfil the tasks in accordance with Section 27,
 1. to enter the pacified property of cultivation associations as well as facilities and equipment for the transport and vehicles of cultivation associations in, on or with which cannabis or propagating material is jointly obtained, cultivated, extracted, distributed, stored or transported within the framework of the activities of cultivation associations during normal opening hours;

2. to enter the facilities, equipment, vehicles and the pacified property specified in number 1 outside the times specified therein in order to prevent urgent threats to public safety and order.

The fundamental right to the inviolability of the home (Article 13 of the Basic Law) is restricted in this respect.

(2) The competent authority is authorised to inspect, examine or have examined the following, insofar as this is necessary to fulfil its duties under Section 27:

1. Cannabis and propagation material held by cultivation organisations,
2. the demarcated property used by the growers' associations for their own communal cultivation,
3. the equipment used by the growers' association for its own cultivation, the substances, materials and objects referred to in Article 17(4), and
4. all business documents and data carriers of growers' associations.

The competent authority may make copies, duplicates, photocopies and extracts of documents and secure digital data.

(3) The competent authority and the persons authorised by it may request the documents and information required for the fulfilment of their duties in accordance with Section 27 from the growers' association, its authorised representatives, members or paid employees. The growers' association concerned or the persons concerned must be informed of the reason for the request.

(4) The competent authority and the persons authorised by it are authorised to collect and process the surname, first name, date of birth, address and electronic contact details of the following persons, as well as the information obtained in the exercise of the powers under paragraphs 1 to 3, insofar as this is necessary to fulfil their duties under Section 27 or to secure evidence:

1. Persons authorised to represent the growers' association,
2. Members of the growers' association,
3. Paid employees of a growers' association,
4. third parties authorised by the growers' association,
5. other persons found on the pacified property of the growers' association or
6. Persons who have received cannabis or propagation material from the cultivation association.

The competent authority is authorised to collect and process the information pursuant to Section 26 (1) and (3) and the records pursuant to Section 26 (2).

(5) The competent authority is authorised to pass on personal data that it has collected or processed within the scope of its powers under subsections 1 to 4 and Section 26 (2) sentence 1 to other authorities insofar as this is necessary for the purpose of prosecuting criminal offences or administrative offences under this Act or other statutory provisions. Any disclosure of data to third parties beyond sentence 1 and Section 43 (3) is prohibited.

(6) The competent authority shall delete the data collected or processed by it in accordance with subsections 1 to 4 and Section 26 (2) sentence 1 and (3) if they are not required, but at the latest at the end of the fifth year, and in the case of personal data at the end of the second year, after their collection or processing. The deadline in sentence 1 shall not apply if longer storage is required due to pending fine proceedings, public prosecutor's investigations or court proceedings; in this case, the collected and processed data shall be deleted upon the legally binding conclusion of the proceedings.

§ 29

Duties of tolerance and co-operation

(1) Cultivation associations, their authorised representatives, their paid employees and their members shall tolerate measures pursuant to Sections 27 and 28 and support the competent authority and the persons commissioned by the latter in the fulfilment of their duties pursuant to Section 27, in particular by granting them access to the pacified property used by the respective cultivation association for the association's activities, as well as opening containers and allowing samples to be taken. Samples of cannabis, propagating material or commodities used in the collective cultivation, distribution or storage shall be made available free of charge to the competent authority or to persons authorised by it.

(2) Growers' associations, their authorised representatives, their paid employees and their members must provide the competent authority and the persons commissioned by the latter with information that is necessary for the fulfilment of the tasks pursuant to Section 27 upon request. Those obliged to provide information may refuse to answer questions if answering them would expose themselves or one of their relatives to the risk of criminal prosecution or proceedings under the Administrative Offences Act. Those obliged to provide information must be informed of their right to refuse to provide information.

§ 30

Authorisation to issue ordinances

The state governments are authorised to limit the number of growers' associations that may be granted a licence pursuant to Section 11(1) in a district or independent city to one growers' association per 6,000 inhabitants by statutory order. In doing so, they shall in particular take into account the population-related density per cultivation association as well as aspects of health, child and youth protection.

Chapter 5

Cultivation of
industrial hemp

§ 31

Monitoring the cultivation of industrial hemp

(1) The cultivation of industrial hemp within the meaning of Section 1(9)(b) is subject to monitoring by the Federal Office for Agriculture and Food.

(2) Article 5, first and second subparagraph, and Annex I to Commission Delegated Regulation (EU) 2022/126 of 7 December 2021 supplementing Regulation (EU) 2021/2115 of the European Parliament and of the Council with additional requirements for certain categories of intervention defined by Member States in their CAP Strategic Plans for the period 2023 to 2027 in accordance with that Regulation and with rules on the share for the good agricultural and environmental condition standard (GAEC standard) No. 1 (OJ L 20, 31.1.2022, p. 52), as amended by Delegated Regulation (EU) 2023/330 (OJ L 44, 14.2.2023, p. 1), shall apply *mutatis mutandis*. In addition, the provisions of the Integrated Administration and Control System on the cultivation of hemp shall apply accordingly. The Federal Office for Agriculture and Food may use the data transmitted to it by the competent Land offices in accordance with the provisions of the Integrated Administration and Control System for the Cultivation of Hemp, as well as the results of THC controls carried out under the direct payment schemes, for the purpose of monitoring in accordance with this provision.

§ 32

Display of the cultivation of industrial hemp

(1) The cultivation of industrial hemp within the meaning of Section 1(9)(b) must be notified to the Federal Office for Agriculture and Food by 1 July of the year of cultivation.

(2) The official form or electronic form issued by the Federal Office for Agriculture and Food must be used for the notification referred to in paragraph 1. The notification must contain

1. the surname, first name and address of the farmer; in the case of legal entities, the name of the agricultural enterprise and the name of the legal representative,
2. the membership or cadastre number assigned to the farmer or agricultural enterprise by the competent professional association,
3. the variety of industrial hemp, enclosing the official labels, unless these have been submitted to the competent Land authority under the regulations on direct payments,
4. the sown area in hectares and ares, stating the area identification number; if this is not available, the cadastral number or other information characterising the sown area recognised by the Federal Office for Agriculture and Food, such as district, parcel and plot, may be given.

If commercial hemp is sown after 1 July of the cultivation year, the official labels in accordance with sentence 1 number 3 must be submitted by 1 September of the cultivation year.

(3) The Federal Office for Agriculture and Food shall send a signed copy of the report to the person making the report immediately after the copy has been signed. It shall also send a copy of the notification to the competent police authorities and public prosecutor's offices at their request if this is necessary for the prosecution of criminal offences under this Act. If the Federal Agency for Agriculture and Food has indications that the cultivation of industrial hemp does not comply with the requirements of this chapter, it shall inform the competent public prosecutor's office.

Chapter 6

Responsibilities

§ 33

Responsibilities and cooperation between the authorities

(1) The authorities of the Land in which the cultivation association has its registered office shall be locally responsible for granting the licence pursuant to Section 11(1) and for official supervision pursuant to Section 27. If the registered office and parts of the pacified property of a growers' association are located in different Länder, the authority of the Land in which the predominant part of the pacified property in terms of size is located may, in agreement with the locally competent authority pursuant to sentence 1, assume responsibility for granting the licence pursuant to Section 11(1) and grant the licence pursuant to Section 11(1) on a transnational basis in agreement with the competent authorities of the Länder concerned. In the case of a transnational licence pursuant to sentence 2, the competent authorities of the Länder concerned shall cooperate in the official supervision pursuant to Section 27 in accordance with their responsibilities. Insofar as parts of the pacified property of a growers' association located in a Land other than the Land of the competent authority responsible for granting the transnational licence are to be inspected on site in the case of a transnational licence pursuant to sentence 2, the inspection shall be carried out by the competent authority of the Land in which the relevant parts of the pacified property are located if it cannot be carried out by the competent authority responsible for granting the licence. The competent authority of this

The competent authority of the federal state shall carry out the inspection after consultation with the authority responsible for issuing the licence and forward the inspection results to it. Measures pursuant to Section 27 (3) shall be taken by the authority responsible for granting the licence in the case of a cross-state licence pursuant to sentence 2. Insofar as measures pursuant to sentence 6 extend to parts of the pacified property of a growers' association that are located in another Land, the measures shall be taken in agreement with the competent authorities of the Land concerned.

(2) The federal states shall ensure that their competent authorities are able to fulfil their duties in accordance with this Act. The competent authorities shall inform each other of the bodies responsible for enforcing the Act and shall support each other within the scope of their respective responsibilities in the official supervision pursuant to Section 27.

(3) The state governments shall be authorised to determine the competent authorities within the meaning of this Act by statutory order. The state governments may transfer the authorisation to other state agencies of the state by statutory order.

Chapter 7

Criminal and fine regulations, rehabilitation measures

Assessment I

Strafts

§ 34

Penal provisions

- (1) A custodial sentence not exceeding three years or a monetary penalty shall be imposed on any person who
1. contrary to § 2 paragraph 1 number 1
 - a) possesses more than 30 grams of cannabis, in the case of flowers, leaves close to the flower or other plant material of the cannabis plant in relation to the weight after drying, in a place that is not his domicile or habitual residence,
 - b) possesses a total of more than 60 grams of cannabis, in the case of flowers, leaves close to the flower or other plant material of the cannabis plant, based on the weight after drying, or
 - c) possesses more than three live cannabis plants,
 2. contrary to § 2 paragraph 1 number 2
 - a) cultivates more than three cannabis plants at the same time or
 - b) does not grow cannabis plants for personal consumption,
 3. produces cannabis contrary to § 2 paragraph 1 number 3,
 4. trades in cannabis contrary to § 2 paragraph 1 number 4,
 5. imports or exports cannabis contrary to § 2 paragraph 1 number 5,
 6. carries out cannabis contrary to § 2 paragraph 1 number 6,
 7. distributes or passes on cannabis contrary to § 2 paragraph 1 number 7,
 8. supplies cannabis for direct consumption contrary to § 2 paragraph 1 number 8,
 9. administers cannabis contrary to § 2 paragraph 1 number 9,
 10. otherwise places cannabis on the market contrary to § 2 paragraph 1 number 10,

11. obtains cannabis contrary to § 2 paragraph 1 number 11,
12. contrary to § 2 paragraph 1 number 12
 - a) acquires or receives more than 25 grams of cannabis per day,
 - b) acquires or receives more than 50 grams of cannabis per calendar month,
13. extracts cannabinoids contrary to § 2 paragraph 2,
14. possesses, cultivates, manufactures, imports, exports, acquires, receives, dispenses or transfers cannabis for scientific purposes, extracts cannabinoids from the cannabis plant or trades in cannabis for scientific purposes without authorisation pursuant to Section 2 (4) sentence 1,
15. cultivates or distributes cannabis without a licence pursuant to Section 11 (1), or
16. cultivates cannabis contrary to § 17 paragraph 1 sentence 1.
 - (2) In the cases of paragraph 1 numbers 3 to 16, the attempt is punishable.
 - (3) In particularly serious cases, the penalty is a prison sentence of three months to five years. A particularly serious case usually exists if the offender
 1. acts commercially in the cases of paragraph 1 numbers 2 to 10 or numbers 13, 15 or 16,
 2. endangers the health of several people through an act referred to in paragraph 1 numbers 2 to 5, 7 to 10 or numbers 13 to 16,
 3. as a person over 21 years of age
 - a) commits an offence referred to in subsection 1 (7) to (9) by supplying or passing on cannabis to a child or young person, or by supplying or administering cannabis for immediate consumption, or
 - b) determines a child or young person to commit or promote an offence referred to in paragraph 1(2)(a), (11), (12) or (15), or
 4. commits an offence under paragraph 1 and the act relates to a quantity that is not small.
 - (4) A custodial sentence of not less than two years, and in less serious cases a custodial sentence of three months to five years, shall be imposed on any person who
 1. acts commercially in the case of paragraph 3 sentence 2 number 3 letter a,
 2. as a person over 21 years of age determines a person under 18 years of age to commit an offence referred to in paragraph 1 number 4, 5, 7 or number 10 or to promote such an offence,
 3. commits an offence referred to in subsection 1 (2) to (5) or (13) which relates to a not insignificant quantity and acts as a member of a gang which has joined together to commit such offences on a continuing basis, or
 4. commits an offence referred to in paragraph 1 numbers 4, 5 or 11 which relates to a not insignificant quantity and carries a firearm or other object which by its nature is suitable and intended to injure persons.
 - (5) If the offender acts negligently in the cases of paragraph 1 numbers 3 to 13 or numbers 15 and 16, the penalty shall be imprisonment for up to one year or a fine.

§ 35

Mitigation and remission of punishment

The court may mitigate the sentence in accordance with section 49(1) of the Criminal Code or, if the offender has not forfeited a custodial sentence of more than three years, refrain from imposing the sentence if the offender

1. has, by voluntarily disclosing his or her knowledge, made a substantial contribution to the detection of an offence under Section 34 which is connected with his or her offence, or

2. voluntarily discloses his knowledge to an authority in good time so that an offence under section 34(3) or (4) which is connected with his offence and which he knows is being planned can still be prevented.

If the offender was involved in the offence, his contribution to the investigation pursuant to sentence 1 number 1 must extend beyond his own contribution to the offence. § Section 46b (2) and (3) of the Criminal Code shall apply accordingly.

§ 35a

Refraining from prosecution

(1) If the proceedings relate to an offence under section 34(1), (2) or (5), the public prosecutor may refrain from prosecution if the offender's guilt would be considered minor, there is no public interest in prosecution and the offender merely cultivates, produces, imports, exports, carries out, acquires, otherwise obtains or possesses cannabis in small quantities for personal use or extracts cannabinoids.

(2) If the action has already been brought, the court may discontinue the proceedings at any stage of the proceedings subject to the conditions of subsection (1) with the consent of the public prosecutor and the accused. The consent of the accused is not required if the main hearing cannot be held for the reasons stated in section 205 of the Code of Criminal Procedure or, in the cases of section 231(2) and sections 232 and 233 of the Code of Criminal Procedure, is held in his or her absence. The decision shall be made by order. The decision is not contestable.

A s s e s s m e n t 2
P e r f o r m a t i o n s

§ 36

Provisions on fines

(1) Any person who wilfully or negligently

1. contrary to § 2 paragraph 1 number 1
 - a) more than 25 grams and up to 30 grams of cannabis, in the case of flowers, leaves close to the flower or other plant material of the cannabis plant, in relation to the weight after drying, in a place that is not his domicile or habitual residence,
 - b) possesses a total of more than 50 grams and up to 60 grams of cannabis, in the case of flowers, leaves close to the flower or other plant material of the cannabis plant, based on the weight after drying, or
 - c) cannabis in military areas,
2. cultivates cannabis in military areas contrary to § 2 paragraph 1 number 2,
3. imports cannabis seeds contrary to § 4 paragraph 2,
4. consumes cannabis contrary to Section 5 (1), (2) or (3),
5. advertises or sponsors cannabis or cultivation associations contrary to § 6,
6. contrary to § 10 paragraph 1 or § 22 paragraph 1 sentence 1 does not or does not properly protect cannabis or propagating material from the access specified therein,
7. fails to make a notification, or fails to make it correctly, completely or immediately, contrary to § 11 paragraph 6,
8. contravenes an enforceable condition pursuant to § 13 paragraph 4,

9. is a member of several growers' associations contrary to § 16 paragraph 2 sentence 2,
10. admits someone to a growers' association contrary to § 16 paragraph 3 sentence 1,
11. fails to retain the self-disclosure contrary to § 16 paragraph 3 sentence 2,
12. contrary to Section 17 (1) sentence 2, assigns activities directly related to the communal cultivation or distribution of cannabis to marginally employed persons,
13. contrary to § 17 paragraph 1 sentence 3, commissions other paid employees or non-members with activities that are directly related to the communal cultivation or distribution of cannabis,
14. contravenes an ordinance pursuant to Section 17 (4) or an enforceable order based on such an ordinance, insofar as the ordinance refers to this provision on fines for a specific offence,
15. fails to destroy non-distributable cannabis or non-distributable propagating material, or fails to destroy it completely or in good time, contrary to Section 18(3),
16. contrary to § 19 paragraph 2 sentence 2 or § 20 paragraph 2 does not ensure that an age check is carried out,
17. contrary to § 19 paragraph 2 sentence 2, fails to ensure that membership is monitored,
18. sends or delivers cannabis contrary to § 19 paragraph 4 sentence 2,
19. fails to ensure that the place of residence or habitual abode is checked, contrary to Section 20 (2),
20. passes on seeds or cuttings contrary to § 20 paragraph 3,
21. sends or delivers cuttings contrary to § 20 paragraph 5,
22. passes on cannabis contrary to § 21 paragraph 1 sentence 1,
23. passes on tobacco, nicotine, foodstuffs, animal feed or other additives contrary to § 21 paragraph 1 sentence 2,
24. passes on cannabis or propagating material contrary to § 21 paragraph 2 sentence 1,
25. fails to hand over an information sheet, or fails to hand it over correctly, completely or on time, contrary to Section 21 (2) sentence 2,
26. contrary to § 21 paragraph 2 sentence 3, fails to make a declaration or fails to make it correctly, completely or in good time,
27. fails to provide information, or fails to provide it correctly, completely or in good time, contrary to Section 21 (3) sentence 1,
28. does not, not properly or not completely secure a pacified property contrary to § 22 paragraph 1 sentence 2,
29. stores or transfers cannabis or propagating material contrary to § 22 paragraph 2,
30. fails to report a transport, or fails to report it correctly, completely or in good time, contrary to Section 22(3)(3),
31. grants access contrary to § 23 paragraph 1,
32. contrary to Section 23 (2) sentence 1, makes the pacified property of cultivation associations recognisable to the outside world,
33. does not, does not properly or does not fully protect cultivation areas or greenhouses used outside of indoor areas from view from the outside in contravention of Section 23(3),
34. does not provide information, does not provide it correctly, does not provide it completely or does not provide it in good time contrary to Section 26 (5) sentence 1,
35. does not tolerate a measure specified in § 29 paragraph 1 sentence 1,

36. fails to provide information contrary to § 29 paragraph 2 sentence 1, or fails to provide it correctly, completely or on time, or
37. fails to make a notification, or fails to make it correctly, completely or on time, contrary to § 32 paragraph 1.
- (2) The administrative offence may be punished in the cases of paragraph 1 numbers 1 to 6, 8 to 10, 12, 13, 15, 16, 18, 20 to 24, 28, 29 and 31 with a fine of up to thirty thousand euros and in the other cases of paragraph 1 with a fine of up to ten thousand euros.
- (3) In the case of paragraph 1 number 37, the administrative authority within the meaning of Section 36 paragraph 1 number 1 of the Administrative Offences Act is the Federal Agency for Agriculture and Food.

A s s e s s m e n t 3
E n v i r o n m e n t a n d p r o d u c t i o n s

§ 37

Recovery

Items relating to a criminal offence under Section 34 or an administrative offence under Section 36 may be confiscated. § Section 74a of the Criminal Code and Section 23 of the Administrative Offences Act shall apply.

§ 38

Management supervision

In the cases referred to in section 34(4), the court may order supervision of conduct in accordance with section 68(1) of the Criminal Code.

A s s e s s m e n t 4
O t h e r r e g u l a t i o n s i n t h e c a n n a l l o w i n g o f t h e c a n n a l l o w i n g s e c u r i t y

§ 39

Special regulations in the presence of a cannabis-related dependency disorder

Sections 35 to 38 of the Narcotics Act also apply to cannabis-related addiction.

Assessment 5
Tilling of internations in the Fedes central Register

§ 40

Erasable entries in the Federal Central Criminal Register

(1) An entry in the Federal Central Criminal Register relating to a conviction under Section 29 of the Narcotics Act can be cancelled if

1. the convicted person has been convicted by a criminal court for the unauthorised handling of cannabis or propagating material, and
2. the applicable law
 - a) no longer provides for a penalty for the offences on which the conviction is based, or
 - b) only a fine alone or a fine in conjunction with a secondary consequence is threatened for the offence.

(2) Subject to the requirements of subsection (1), entries in the Federal Central Criminal Register which are based on decisions by which a total sentence has subsequently been formed from several individual sentences on the basis of convictions under section 29 of the Narcotics Act may also be cancelled.

(3) If the person has also been convicted in a conviction under Section 29 of the Narcotics Act for offences for which the law still provides for punishment, the erasure of an entry in the Federal Central Criminal Register based on this conviction is excluded. It is irrelevant here whether the offences were committed in unison or in multiplicity. Sentences 1 and 2 shall apply mutatis mutandis to entries that are based on decisions on subsequent aggregate sentences.

§ 41

Determining whether entries in the Federal Central Criminal Register can be cancelled

(1) At the request of the convicted person, the public prosecutor's office shall determine whether an entry in the Federal Central Criminal Register relating to the person is eligible for cancellation in accordance with Section 40.

(2) As part of the determination by the public prosecutor's office in accordance with paragraph 1, it shall be sufficient to prove the requirements in accordance with Section 40 paragraph 1 or paragraph 2 if these are substantiated by the convicted person. The public prosecutor's office may also admit the affidavit of the convicted person as prima facie evidence. The public prosecutor's office is responsible for taking the affidavit.

(3) The local jurisdiction of the public prosecutor's office shall be determined by the court that pronounced the conviction referred to in section 40 (1) no. 1 at first instance or issued the decision pursuant to section 40 (1) no. 2.

§ Section 40 paragraph 2. If this public prosecutor's office cannot be determined in accordance with sentence 1, the public prosecutor's office in whose district the convicted person is domiciled in Germany at the time the application is filed shall have jurisdiction. If the convicted person is resident abroad, the public prosecutor's office in Berlin shall have jurisdiction. The application may be submitted in writing to any public prosecutor's office or declared for the record of the office.

(4) If the public prosecutor's office withdraws an unjustified finding under subsection (1), it shall notify the register authority of the withdrawal and the data required under section 5 of the Federal Central Criminal Register Act for the re-entry in the Federal Central Criminal Register of the expunged conviction or the expunged decision on the subsequent creation of a total sentence. The public prosecutor's office shall give the convicted person the opportunity to comment before deciding whether to withdraw a finding under paragraph 1. § Section 50 of the Federal Central Criminal Register Act shall not apply.

§ 42

Procedure for cancelling entries in the Federal Central Criminal Register

(1) If the public prosecutor's office determines that an entry in the Federal Central Criminal Register relating to a criminal conviction or a criminal court decision is eligible for erasure (Section 41), it shall notify the registration authority and the convicted person accordingly. If the requirements for cancellation are not met, the public prosecutor's office must inform the convicted person of this, stating the reasons.

(2) Entries in the Federal Central Criminal Register relating to criminal convictions or decisions which have been determined by the public prosecutor's office to be eligible for expungement in accordance with section 41 and notified by the public prosecutor's office to the register authority shall be expunged by the register authority.

Chapter 8 Final
provisions

§ 43

Evaluation of the law

(1) The social impact of this law, in particular on the protection of children and young people, on health protection and on cannabis-related crime, must be evaluated. The evaluation should accompany the implementation of the law.

(2) The Federal Ministry of Health shall commission independent third parties to carry out the evaluation. At the latest by ... [insert: The day and month of entry into force pursuant to Article 15 (1) of this Act and the year of the fourth year following entry into force pursuant to Article 15 (1) of this Act], a comprehensive report on the results of the evaluation shall be submitted to the Federal Ministry of Health. At the latest by ... [insert: The day and month of entry into force pursuant to Article 15(1) of this Act and the year of the second year following entry into force pursuant to Article 15(1) of this Act], an interim report shall be submitted to the Federal Ministry of Health, with the participation of the Federal Criminal Police Office, which shall also include the effects of this Act on cannabis-related organised crime. At the latest by ... [insert: The day and month of entry into force pursuant to Article 15(1) of this Act and the year of the 18th month following the entry into force pursuant to Article 15(1) of this Act], an initial evaluation shall be carried out on the impact of the prohibition of consumption pursuant to Section 5 on the protection of children and young people in the first year following the entry into force of this Act. The collection and provision of data shall be ensured by the responsible departments.

(3) To support the evaluation, the competent authorities shall electronically transmit the following data from the previous calendar year in non-personalised form to a body designated by the Federal Ministry of Health by 30 April each year:

1. the information provided to them in accordance with section 26 (2) sentence 2 and (3),
2. the information provided to them in accordance with section 26 (4) sentence 1 and (5),
3. the data collected by them in the context of random samples in accordance with Section 27 (1) sentence 1,
4. the information obtained in the course of official monitoring pursuant to Section 27 (2) sentence 2 and (3) sentence 2 number 2.

(4) The growers' associations shall support the evaluation by enabling surveys of their members, authorised representatives and paid employees by the third parties commissioned with the evaluation in accordance with paragraph 2 sentence 1.

§ 44

THC limits in road traffic

A working group set up by the Federal Ministry for Digital and Transport proposes a blood tetrahydrocannabinol concentration level by 31 March 2024 at which the safe driving of a motor vehicle in road traffic is regularly no longer guaranteed according to the latest scientific findings.

Article 2

Act on the Supply of Cannabis for Medical and Medical-Scientific Purposes (Medical Cannabis Act - MedCanG)

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- § 2 Definitions

Chapter 2

Prescribing and dispensing

- § 3 Dispensing and prescribing cannabis for medical purposes

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Permission and authorisation; domestic trade

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- § Section 31 Transitional regulation on the occasion of the Cannabis Act

Chapter 1 General
provisions

§ 1

Area of application

This Act shall apply to cannabis for medical purposes and cannabis for medical-scientific purposes within the meaning of Section 2 numbers 1 and 2.

§ 2

Definitions

For the purposes of this Act is or are:

1. Cannabis for medicinal purposes: plants, flowers and other parts of plants belonging to the genus Cannabis which are grown for medicinal purposes under State control in accordance with Articles 23 and 28(1) of the 1961 Single Convention on Narcotic Drugs of 30 March 1961 (Federal Law Gazette 1973 II p. 1354), as well as delta-9-tetrahydrocannabinol including dronabinol and preparations of all the aforementioned substances;
2. Cannabis for medical-scientific purposes: cannabis for medical purposes according to number 1 with a scientific purpose, the separated resin of the cannabis plant from an authorised cultivation according to § 4 with a scientific purpose, the following tetrahydrocannabinols and their stereochemical variants
 - a) Delta-6a(10a)-tetrahydrocannabinol, chemical name: 6,6,9-trimethyl-3-pentyl-7,8,9,10-tetrahydro-6H-benzo[c]chromen-1-ol,
 - b) Delta-6a-tetrahydrocannabinol, chemical name: (9R,10aR)-6,6,9-trimethyl-3-pentyl-8,9,10,10a-tetrahydro-6H-benzo[c]chromen-1-ol,
 - c) Delta-7-tetrahydrocannabinol, chemical name: (6aR,9R,10aR)-6,6,9-trimethyl-3-pentyl-6a,9,10,10a-tetrahydro-6H-benzo[c]chromen-1-ol,
 - d) Delta-8-tetrahydrocannabinol, chemical name: (6aR,10aR)-6,6,9-trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-6H-benzo[c]chromen-1-ol,
 - e) Delta-10-tetrahydrocannabinol, chemical name: (6aR)-6,6,9-trimethyl-3-pentyl-6a,7,8,9-tetrahydro-6H-benzo[c]chromen-1-ol,
 - f) Delta-9(11)-tetrahydrocannabinol, chemical name: (6aR,10aR)-6,6-dimethyl-9-methylen-3-pentyl-6a,7,8,9,10,10a-hexahydro-6H-benzo[c]chromen-1-ol,

as well as the preparations of all the above-mentioned substances with a scientific purpose;

3. Preparation: a mixture of substances or a solution of one or more substances other than naturally occurring mixtures and solutions, irrespective of the physical state of the mixture or solution;
4. Manufacture: the extraction, production, preparation, treatment or processing, cleaning and transformation;
5. Responsible person: a person who is responsible for compliance with the provisions of Sections 4 to 16 and the orders of the supervisory authorities pursuant to Sections 17 to 23 at one or more operating sites;
6. International Convention on Narcotic Drugs:
 - a) the 1961 Single Convention on Narcotic Drugs of 30 March 1961 (Federal Law Gazette 1973 II p. 1354),
 - b) the 1971 Convention on Psychotropic Substances of 21 February 1971 (BGBl. 1976 II p. 1478) and
 - c) the United Nations Convention of 20 December 1988 against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Federal Law Gazette 1993 II p. 1137).

Chapter 2
Prescribing and dispensing

§ 3

Dispensing and prescribing cannabis for medical purposes

(1) Cannabis for medical purposes may only be prescribed by doctors or administered as part of a medical treatment or provided to another person for direct consumption. Dentists and veterinarians are not authorised to prescribe, administer or supply for direct consumption. Sections 2 and 4 of the Medicinal Products Prescription Ordinance apply accordingly.

(2) Cannabis prescribed for medicinal purposes in accordance with paragraph 1 may only be dispensed to end users in the course of the operation of a pharmacy on presentation of the prescription. § Section 14(7) of the Pharmacy Act remains unaffected.

(3) Cannabis for medical-scientific purposes may only be administered by a doctor or provided to another person for direct consumption in the context of clinical trials within the meaning of Section 4 (23) of the German Medicinal Products Act. Dentists and veterinarians are not authorised to administer or supply cannabis for direct consumption.

Chapter 3
Permission and authorisation; internal trade

A s s e s s m e n t
l E x p e r i e n c e

§ 4

Licence requirement

(1) Anyone wishing to cultivate, produce, trade, import, export, dispense, sell, otherwise place on the market, obtain or acquire cannabis for medical purposes or cannabis for medical-scientific purposes requires a licence from the Federal Institute for Drugs and Medical Devices.

(2) The Federal Institute for Drugs and Medical Devices may grant a licence to handle cannabis for medical-scientific purposes for scientific purposes or only in exceptional cases for other purposes in the public interest.

§ 5

Exemptions from the authorisation requirement

- (1) A licence in accordance with § 4 is not required if
1. as part of the operation of a pharmacy

- a) produces cannabis for medical purposes, acquires cannabis on the basis of a medical prescription in accordance with § 3, passes it on to another pharmacy, returns it to holders of a licence to purchase cannabis for medical purposes or passes it on to the successor as holder of a licence to operate the pharmacy, or
 - b) receives cannabis for medical purposes or cannabis for medical-scientific purposes for examination, for forwarding to a body authorised to examine cannabis for medical purposes or cannabis for medical-scientific purposes, or for destruction,
2. acquires cannabis for medical purposes on the basis of a medical prescription in accordance with § 3,
 3. has acquired cannabis for medical purposes on the basis of a medical prescription in accordance with § 3 and imports or exports it as a travel requirement,
 4. commercially
 - a) is involved in the transport of cannabis for medical purposes or cannabis for medical-scientific purposes between authorised participants in the transport of cannabis for medical purposes or cannabis for medical-scientific purposes, or the storage and safekeeping of cannabis for medical purposes or cannabis for medical-scientific purposes in connection with such transport or for an authorised participant in the transport of cannabis for medical purposes or cannabis for medical-scientific purposes. cannabis for medical purposes or cannabis for medical-scientific purposes in connection with such transport or for an authorised participant in the transport of cannabis for medical purposes or cannabis for medical-scientific purposes, or
 - b) procures or arranges the dispatch of cannabis for medical purposes or cannabis for medical-scientific purposes between authorised participants in the trade in cannabis for medical purposes or cannabis for medical-scientific purposes by others, or
 5. Cannabis for medical purposes or cannabis for medical-scientific purposes as a subject or patient in the context of a clinical trial or in cases of hardship pursuant to Section 21(2)(3) of the German Medicinal Products Act in conjunction with Article 83 of Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Union procedures for the authorisation and supervision of medicinal products for human use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1). of the European Parliament and of the Council of 31 March 2004 laying down Union procedures for the authorisation and supervision of medicinal products for human use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1), as last amended by Regulation (EU) 2019/5 (OJ L 4, 7.1.2019, p. 24).
 - (2) Federal and state authorities do not require a licence pursuant to Section 4 for their official activities, nor do the authorities or institutions commissioned by them to test cannabis for medical purposes or cannabis for medical-scientific purposes.

§ 6

Content of the licence

The licence in accordance with § 4 must regulate in particular

1. the location of the business premises by place, if possible indicating the parcel designation,
2. an indication of whether the handling of cannabis for medical purposes or cannabis for medical-scientific purposes is authorised and which of the acts referred to in section 4(1) are authorised, and
3. the type of cannabis for medical purposes or cannabis for medical-scientific purposes with which the authorised acts may be carried out.

§ 7

Application

(1) The application for a licence in accordance with Section 4 must be submitted to the Federal Institute for Drugs and Medical Devices.

(2) The application must contain the following information and evidence:

1. Surname, first name and address of the applicant and all responsible persons and, if applicable, surname and address of the company; in the case of legal representation of the applicant, surname, first name and address of the legal representative; in the case of legal entities or associations of persons without legal capacity, the surname, first name and address of the person authorised to represent them by law, articles of association or partnership agreement,
2. a certificate of good conduct for submission to an authority in accordance with Section 30 (5) of the Federal Central Criminal Register Act for the applicant and each of the responsible persons,
3. for each responsible person, proof of the necessary expertise and declarations as to whether and on the basis of which circumstances they are able to fulfil their obligations at all times,
4. a description of the location of the business premises by town, if possible with the name of the parcel, as well as the street, house number, building and part of the building,
5. an indication of whether the handling of cannabis for medical purposes or cannabis for medical-scientific purposes is being applied for and which of the acts specified in Section 4(1) are to be authorised with the cannabis for medical purposes or with the cannabis for medical-scientific purposes,
6. the type of cannabis for medical purposes or cannabis for medical-scientific purposes with which the acts to be authorised are to be carried out, and
7. in the case of use for scientific purposes, an explanation of the scientific purpose pursued with reference to the relevant scientific literature.

(3) Proof of the required expertise in accordance with paragraph 2 number 3 is provided

1. in the case of the production of cannabis for medicinal purposes, which is a medicinal product, by providing proof of expertise in accordance with Section 15(1) of the Medicinal Products Act,
2. in the case of the cultivation, production and use of cannabis for medical-scientific purposes for scientific purposes by the certificate of an examination taken after completing a scientific university degree in biology, chemistry, pharmacy, human or veterinary medicine,
3. in all other cases by the certificate of completed vocational training as a wholesale and foreign trade clerk and by confirmation of at least one year of practical experience in the pharmaceutical trade.

(4) In individual cases, the Federal Institute for Drugs and Medical Devices may deviate from the requirements for expertise specified in paragraph 2 number 3 or demand other evidence of the necessary expertise if the safety and control of the circulation of cannabis for medical purposes or cannabis for medical-scientific purposes are guaranteed. The Federal Institute for Drugs and Medical Devices shall immediately inform the competent supreme Land authority of its decision pursuant to Section 4.

§ 8

Change of information in the application

(1) Persons who have been granted a licence in accordance with Section 4 must notify the Federal Institute for Drugs and Medical Devices immediately of any changes to the information and evidence specified in Section 7 sub-section 2.

(2) The Federal Institute for Drugs and Medical Devices shall decide at its own discretion whether an amendment to the authorisation granted or the granting of a new authorisation is required. If the issued authorisation is amended, the Federal Institute for Drugs and Medical Devices shall inform the competent supreme state authority of this amendment without delay.

§ 9

Refusal of authorisation

(1) Authorisation in accordance with § 4 shall be refused if

1. it is not guaranteed that a responsible person will be appointed at the business premises for which the application for authorisation has been submitted; the person submitting the application for authorisation may themselves take the place of a responsible person,
2. it is not guaranteed that a responsible person will be appointed in each of these operating sites if there are further operating sites in non-neighbouring municipalities,
3. the person responsible does not have the necessary expertise or is unable to fulfil their duties at all times,
4. there are facts giving rise to concerns
 - a) against the reliability of the person responsible, the applicant or his or her legal representative, or
 - b) in the case of legal entities or associations of persons without legal capacity, against the reliability of those authorised to represent or manage the company in accordance with the law, articles of association or partnership agreement,
5. there are facts that give rise to the suspicion that the cannabis is intended to be placed in a mail item for medical purposes or cannabis for medical-scientific purposes, although such mailing is prohibited by the Universal Postal Convention or a convention of the Universal Postal Union, or
6. a deficiency is not remedied within the set deadline if the competent authority objects to the application documents submitted.

(2) Authorisation in accordance with § 4 may be refused if

1. it conflicts with the provisions of the international conventions on narcotic drugs,
2. it conflicts with the decisions, orders or recommendations of intergovernmental drug control organisations,
or
3. the refusal of the licence is required due to legal acts of the European Union.

§ 10

Limitation of the licence; conditions and restrictions

If a licence conflicts with the provisions of the international narcotics conventions or the decisions, orders or recommendations of intergovernmental narcotics control bodies, or

is required by legal acts of the European Union or if this is necessary for the safety or control of traffic in cannabis for medical purposes or cannabis for medical-scientific purposes, the authorisation may be

1. be issued for a limited period of time, with conditions or subject to requirements, or
2. may be amended or subject to other restrictions or conditions after they have been issued.

§ 11

Revocation of the licence

(1) The licence may also be revoked if it has not been used within a period of two calendar years. The period may be extended if a legitimate interest can be substantiated.

(2) In the event of withdrawal or revocation of the authorisation, the Federal Institute for Drugs and Medical Devices shall immediately inform the competent supreme state authority.

A s s e s s m e n t 2

G e n e r a t i o n o f i n v e s t m e n t a n d p r o d u c t i o n ; D u r c t i o n

§ 12

Authorisation for import and export

Anyone wishing to import cannabis for medical purposes or cannabis for medical-scientific purposes into the area of application of this Act or export it from the area of application of this Act in individual cases shall require a licence from the Federal Institute for Drugs and Medical Devices in addition to the licence pursuant to Section 4.

§ 13

Transit

The transit of cannabis for medical purposes or cannabis for medical-scientific purposes through the area of application of this Act is only permitted under customs supervision

1. without any stay other than that required for transport or handling, and
2. without the cannabis for medical purposes or the cannabis for medical/scientific purposes being actually available to the person carrying out the transfer or to any other third party during the transfer.

During transit, the cannabis to be transited for medical purposes or the cannabis to be transited for medical/scientific purposes must not undergo any treatment that is likely to alter its nature, labelling, packaging or markings.

§ 14

Application of the Narcotics Foreign Trade Regulation

The provisions of the Narcotics Foreign Trade Ordinance of 16 December 1981 (Federal Law Gazette I p. 1420), which apply to the procedure for granting a licence pursuant to Section 12 and the import, export and transit of cannabis for medical purposes or cannabis for medical-scientific purposes, shall apply to the procedure for granting a licence pursuant to Section 12.

last amended by Article 2 of the Act of 6 March 2017 (Federal Law Gazette I p. 403), with the proviso that Section 15(1)(2) of the Narcotics Foreign Trade Regulation also applies to cannabis for medicinal purposes in the form of dried flowers.

A s s e s s m e n t 3

A s s e s s m e n t a n d d e v e l o p m e n t

§ 15

Disposal and acquisition

Cannabis for medical purposes or cannabis for medical-scientific purposes may only be dispensed and purchased by authorised participants in the trade in cannabis for medical purposes or cannabis for medical-scientific purposes.

A s s e s s m e n t 4

A s s e s s m e n t s a n d m e a s u r e m e n t s

§ 16

Records and messages

(1) Persons who have been granted a licence in accordance with Section 4 are obliged to keep continuous records, separately for each operating site and for each type of cannabis for medicinal or medical-scientific purposes. The records must contain the following information:

1. the date,
2. the quantity received or dispatched and the resulting stock,
3. in the case of import or export, the name and address of the exporter resident abroad or the importer resident abroad and, if applicable, the name and address of the respective company,
4. in the case of cultivation, the acreage by location and size and the date of sowing,
5. in the case of manufacturing, additionally the indication of the cannabis used for medical purposes or cannabis for medical-scientific purposes and the product yield.

(2) The records referred to in paragraph 1 shall be kept for three years.

(3) Persons who have been granted a licence in accordance with Section 4 are obliged to report to the Federal Institute for Drugs and Medical Devices separately for each operating site the respective quantity of cannabis for medical purposes and the respective quantity of cannabis for medical-scientific purposes that

1. The area under cultivation is indicated by location and size,
2. was used to produce dronabinol, as well as the quantities of dronabinol produced, broken down by production route,
3. has been used for the manufacture of preparations and the totalled quantities of tetrahydrocannabinol contained in the preparations manufactured, and
4. was available at the end of the respective calendar year.

The reports must be submitted electronically to the Federal Institute for Drugs and Medical Devices by 31 January for the previous calendar year. The formal requirements of the Federal Institute for Drugs and Medical Devices must be observed.

(4) The quantities to be indicated in the records referred to in paragraph 1 and the notifications referred to in paragraph 3

are

1. for substances and non-divided preparations, the quantity by weight and
2. the number of pieces for divided preparations.

Chapter 4

Monitoring; reporting obligation

Section 10 revision

§ 17

Competent authorities

(1) The trade in cannabis for medical purposes or cannabis for medical-scientific purposes shall be subject to supervision by the Federal Institute for Drugs and Medical Devices and the persons authorised by it. By way of derogation from sentence 1, trafficking by doctors and pharmacies shall be subject to supervision by the competent authorities of the Länder. The competent authorities and the persons authorised by them to carry out supervision shall have the powers set out in Sections 18 and 19.

(2) The cultivation of cannabis for medicinal purposes within the scope of this Act is subject to the control of the Federal Institute for Drugs and Medical Devices. The latter shall fulfil the tasks of a state agency pursuant to Article 23 paragraph 2 letter d and Article 28 paragraph 1 of the Single Convention on Narcotic Drugs of 1961.

§ 18

Monitoring the movement of cannabis for medical purposes or cannabis for medical and scientific purposes

(1) The competent authority and the persons authorised by it to carry out monitoring are authorised,

1. to inspect documents relating to the circulation of cannabis for medical purposes or cannabis for medical-scientific purposes and to make copies or photocopies thereof, insofar as the documents may be of significance for the safety or control of the circulation of cannabis for medical purposes or cannabis for medical-scientific purposes,
2. to demand all information from natural and legal persons and unincorporated associations of persons that is necessary to monitor the trade in cannabis for medical purposes or cannabis for medical-scientific purposes,
3. to enter properties, buildings, parts of buildings and facilities used for business purposes in which cannabis is traded for medical purposes or cannabis for medical-scientific purposes during normal business and operating hours in order to check compliance with the provisions of this Act,

4. to the extent necessary to prevent urgent risks to the safety or control of traffic in cannabis for medical purposes or cannabis for medical-scientific purposes, temporarily
 - a) to prohibit further participation in the circulation of cannabis for medical purposes or cannabis for medical-scientific purposes in whole or in part, and
 - b) to place the stocks of cannabis for medical purposes or cannabis for medical-scientific purposes under official seal.

The competent authority shall make a final decision on a provisional order pursuant to sentence 1 number 4 within one month of issuing the provisional order.

(2) The Federal Ministry of Finance and the customs offices designated by it are involved in monitoring the import, export and transit of cannabis for medical purposes and cannabis for medical-scientific purposes.

(3) In the event of suspected violations of the prohibitions and restrictions of this Act that arise during customs clearance, the authorities involved in accordance with paragraph 2 shall immediately inform the Federal Institute for Drugs and Medical Devices.

§ 19

Sampling

(1) Insofar as it is necessary to fulfil the requirements of this Act on the movement of cannabis for medical purposes or cannabis for medical-scientific purposes, the competent authorities and the persons charged by them with monitoring shall be authorised to request or take samples of cannabis for medical purposes and cannabis for medical-scientific purposes for the purpose of examination against confirmation of receipt. Unless expressly waived, a part of the sample or, if the sample cannot be divided into parts of the same quality or cannot be divided into parts of the same quality without jeopardising the purpose of the investigation, a second piece of the same type as that taken as a sample shall be left behind.

(2) Parts of the samples or pieces to be left behind must be officially closed or sealed. They shall be labelled with the date of sampling and the date after which the closure or sealing is deemed to have been lifted.

(3) Appropriate compensation must be paid for samples taken, unless this is expressly waived.

§ 20

Duty to tolerate and co-operate

(1) Participants in the trade with cannabis for medical purposes or with cannabis for medical-scientific purposes are obliged to tolerate the measures pursuant to Sections 18 and 19 and to support the competent authorities and the persons commissioned by them with monitoring in the fulfilment of their tasks.

(2) Participants in the trade in cannabis for medical purposes or in cannabis for medical-scientific purposes shall, upon request, provide the competent authority and the persons authorised by the latter with information required to fulfil the duties under Section 18. The person obliged to provide information may refuse to answer questions if the answer would expose him or herself or one of his or her relatives within the meaning of Section 11 (1) no. 1 of the Criminal Code to the risk of criminal prosecution or proceedings under the Administrative Offences Act. They must be informed of their right to refuse to provide information.

§ 21

Fuse arrangement

(1) Cannabis for medical purposes and cannabis for medical-scientific purposes must be protected from access by unauthorised persons by means of suitable measures and security precautions.

(2) In individual cases, the Federal Institute for Drugs and Medical Devices may order measures to prevent access by unauthorised persons to authorised participants in the sale of cannabis for medical purposes or cannabis for medical-scientific purposes if they have not adequately secured the cannabis for medical purposes or cannabis for medical-scientific purposes against access by unauthorised persons and if this is necessary to prevent risks to public safety and order.

§ 22

Federal Armed Forces, Federal Police, riot police and civil defence

(1) This Act shall apply mutatis mutandis, with the exception of the provisions on authorisation pursuant to Section 4, to

1. Facilities used to supply the German Armed Forces and the Federal Police with cannabis for medical purposes,
2. Facilities that serve to supply the riot police of the federal states with cannabis for medical purposes, and
3. the stockpiling of cannabis for medical purposes for civil defence.

(2) In the areas of the Federal Armed Forces and the Federal Police, the enforcement of this Act and the monitoring of traffic in cannabis for medical purposes is the responsibility of the respective competent authorities and experts of the Federal Armed Forces and the Federal Police. In the area of civil defence, the enforcement of this Act is the responsibility of the federal and state authorities responsible for stockpiling medical supplies.

(3) The Federal Ministry of Defence may, in agreement with the Federal Ministry of Health, permit exceptions to this Act and the ordinances issued on the basis of this Act in individual cases for its area of responsibility, insofar as this does not conflict with the international conventions on narcotic drugs and insofar as this is required for compelling reasons of defence.

A s s e s s m e n t 2

A n n u a l r e p o r t t o t h e p r o v i d e n a t i o n s

§ 23

Annual report to the United Nations

The competent authorities of the federal states shall participate in the preparation of the annual report of the Federal Government on the implementation of the international narcotics conventions to the Secretary-General of the United Nations in accordance with Section 28 (1) of the Narcotics Act and shall submit their contributions to the Federal Institute for Drugs and Medical Devices by 31 March for the previous calendar year. If the information required in the form cannot be determined, it shall be estimated.

Chapter 5
Child and youth protection

§ 24

Child and youth protection in public spaces

§ Section 5(2) of the Consumer Cannabis Act applies accordingly to the public consumption of cannabis for medical purposes by means of inhalation.

Chapter 6
Penalties and fines

A s s e s s m e n t 1
S t r a f t s

§ 25

Penal provisions

- (1) A custodial sentence not exceeding three years or a monetary penalty shall be imposed on any person who
1. provides incorrect or incomplete information in order to obtain a medical prescription for cannabis for medical purposes for themselves or another person,
 2. prescribes cannabis for medical purposes contrary to § 3 paragraph 1, dispenses cannabis for medical purposes without a medical prescription contrary to § 3 paragraph 2 or administers cannabis for medical purposes or cannabis for medical-scientific purposes contrary to § 3 paragraph 1 or paragraph 3 or transfers it to another person for direct consumption,
 3. without a licence in accordance with § 4 and without being exempt from the licence requirement in accordance with §§ 5 or 22,
Cannabis for medical purposes or cannabis for medical-scientific purposes
 - a) cultivated,
 - b) produces,
 - c) imports or exports,
 - d) is delivered,
 - e) is otherwise placed on the market,
 - f) procured,
 - g) acquires or
 - h) trades in cannabis for medical purposes or cannabis for medical-scientific purposes,

4. possesses cannabis for medical purposes or cannabis for medical-scientific purposes without at the same time being in possession of a licence pursuant to Section 4 for the acquisition or without being exempt from the licence requirement pursuant to Section 5 or Section 22,
5. carries out cannabis for medical purposes or cannabis for medical-scientific purposes contrary to § 13.
 - (2) Paragraph 1(3)(a) and (h) and (4) shall not apply in cases where the offender
1. does not possess more than the following quantities of cannabis for medicinal purposes or of cannabis for medicinal/scientific purposes, in each case for flowers, near-flowering leaves or other plant material by weight after drying:
 - a) 30 grams at a place other than his domicile or habitual residence, or
 - b) 60 grams in total,
2. acquires no more than the following quantities of cannabis for medical purposes or cannabis for medical-scientific purposes:
 - a) 25 grams a day,
 - b) 50 grams per calendar month or
3. does not grow more than three live cannabis plants at the same time.
 - (3) In the cases of paragraph 1 numbers 1, 2, 3 and 5, the attempt is punishable.
 - (4) In particularly serious cases, the penalty is a prison sentence of three months to five years. A particularly serious case usually exists if the offender
1. acts commercially in the cases of paragraph 1 numbers 1, 2, 3 letters a to e or letter h or number 5,
2. endangers the health of several people through one of the acts specified in paragraph 1 numbers 1, 2, 3 letters a to e or letter h,
3. as a person over 21 years of age
 - a) commits an offence referred to in paragraph 1(2) or (3)(d) by supplying cannabis for medical purposes or cannabis for medical-scientific purposes to a child or young person, or by supplying or administering cannabis for immediate consumption, or
 - b) determines a child or young person to commit or promote an act referred to in paragraph 1(3)(a), (f) or (g), or
4. commits an offence under paragraph 1 and the act relates to a quantity that is not small.
 - (5) A custodial sentence of not less than two years, and in less serious cases a custodial sentence of three months to five years, shall be imposed on any person who
1. acts commercially in the case of paragraph 4 sentence 2 number 3 letter a,
2. as a person over 21 years of age, determines a person under 18 years of age to commit an offence referred to in paragraph 1 number 2, 3 letters c to e or letter h or to promote such an offence,
3. commits an offence referred to in paragraph 1(3)(a) to (c) or (h) which relates to a not insignificant quantity and acts as a member of a gang which has formed an association for the continued commission of such offences, or
4. commits an offence referred to in paragraph 1(3)(c), (f) or (h) which relates to a not insignificant quantity and carries a firearm or other object which by its nature is suitable and intended to injure persons.
 - (6) If the offender acts negligently in the cases referred to in paragraph 1 numbers 2, 3 or 5, the penalty shall be a custodial sentence not exceeding one year or a monetary penalty.

§ 26

Mitigation and remission of punishment

The court may mitigate the sentence in accordance with section 49(1) of the Criminal Code or, if the offender has not forfeited a custodial sentence of more than three years, refrain from imposing the sentence if the offender

1. has, by voluntarily disclosing his or her knowledge, made a substantial contribution to the detection of an offence under section 25 that is connected with his or her offence, or
2. voluntarily discloses his knowledge to a department in good time so that an offence under section 25(4) or (5) which is connected with his offence and which he knows is being planned can still be prevented.

If the offender was involved in the offence, his contribution to the investigation pursuant to sentence 1 number 1 must extend beyond his own contribution to the offence. § Section 46b (2) and (3) of the Criminal Code shall apply accordingly.

§ 26a

Refraining from prosecution

(1) If the proceedings relate to an offence under section 25(1), (3) or (6), the public prosecutor may refrain from prosecution if the offender's guilt would be considered minor, there is no public interest in prosecution and the offender merely cultivates, produces, imports, exports, carries out, acquires, otherwise obtains or possesses the cannabis for medicinal purposes or for medicinal-scientific purposes in small quantities for personal use.

(2) If the action has already been brought, the court may discontinue the proceedings at any stage of the proceedings subject to the conditions of subsection (1) with the consent of the public prosecutor and the accused. The consent of the accused is not required if the main hearing cannot be held for the reasons stated in section 205 of the Code of Criminal Procedure or, in the cases of section 231(2) and sections 232 and 233 of the Code of Criminal Procedure, is held in his or her absence. The decision shall be made by order. The decision is not contestable.

A s s e s s m e n t 2

P e r f o r m a t i o n s

§ 27

Provisions on fines

(1) Any person who wilfully or negligently

1. possesses more than and up to the following quantities of cannabis for medical purposes or of cannabis for medical-scientific purposes, in each case in the case of flowers, leaves close to the flower or other plant material in relation to the weight after drying, without at the same time being in possession of a licence pursuant to Section 4 for the acquisition or being exempt from the licence requirement pursuant to Section 5 or Section 22:
 - a) more than 25 grams and up to 30 grams in a place other than his place of residence or habitual abode, or
 - b) a total of more than 50 grams and up to 60 grams,
2. The administrative offence may be punished in the cases of paragraph 1 numbers 1, 3 and 4 with a fine of up to thirty thousand euros and in the other cases of paragraph 1 with a fine of up to ten thousand euros.

3. contravenes an enforceable condition in accordance with § 10,
4. imports or exports cannabis for medical purposes or cannabis for medical-scientific purposes without authorisation pursuant to Section 12,
5. provides incorrect or incomplete information in the import or export application contrary to Section 1 (2) of the Narcotics Foreign Trade Ordinance or Section 7 (2) of the Narcotics Foreign Trade Ordinance, in each case in conjunction with Section 14,
6. contrary to Section 6 (1) or (2) sentence 2 of the Narcotics Foreign Trade Ordinance or Section 12 (1) sentence 1 or (2) sentence 2 of the Narcotics Foreign Trade Ordinance, in each case in conjunction with Section 14, fails to provide the import or export notification or the import or export licence with the information specified therein, or fails to provide it correctly or completely,
7. does not keep a record, does not keep it correctly or does not keep it completely, contrary to § 16 paragraph 1,
8. fails to keep a record or fails to keep it for at least three years contrary to § 16 paragraph 2,
9. fails to submit a report, or fails to submit it correctly, completely or on time, contrary to § 16 paragraph 3, or
10. does not tolerate a measure specified in § 20 paragraph 1.

(2) The administrative offence may be punished in the cases of paragraph 1 numbers 1, 3 and 4 with a fine of up to thirty thousand euros and in the other cases of paragraph 1 with a fine of up to ten thousand euros.

Chapter 7

Confiscation and supervision of conduct

§ 28

Recovery

Items relating to a criminal offence under Section 25 or an administrative offence under Section 27 may be confiscated. § Section 74a of the Criminal Code and Section 23 of the Administrative Offences Act shall apply.

§ 29

Management supervision

In the cases referred to in section 25(5), the court may order supervision of conduct in accordance with section 68(1) of the Criminal Code.

Chapter 8

Special regulations in the case of a cannabis-related dependency disorder

§ 30

Special regulations in the case of a cannabis-related dependency disorder

Sections 35 to 38 of the Narcotics Act also apply to cannabis-related addiction.

Chapter 9 Final
provisions

§ 31

Transitional regulation on the occasion of the Cannabis Act

Authorisations pursuant to Section 12 may, insofar as an authorisation pursuant to Section 4 has not yet been granted, be issued until ... [insert: Indication of the day and month of entry into force pursuant to Article 15(1) and the year of the first calendar year following entry into force pursuant to Article 15(1)] on the basis of a licence pursuant to Section 3 of the Narcotics Act in the version published on 1 March 1994 (Federal Law Gazette I p. 358), which was last amended by Article 2 of the Act of 2 August 2023 (Federal Law Gazette 2023 I No. 204).

Article 3

Amendment of the Narcotics Act

The Narcotics Act in the version published on 1 March 1994 (Federal Law Gazette I p. 358), which was last amended by Article 2 of the Act of 26 July 2023 (Federal Law Gazette 2023 I No. 204), is amended as follows:

1. In the table of contents, the information on Section 24a is worded as follows:

"§ 24a (omitted)".

2. § Section 7 sentence 1 shall be worded as follows:

"The application for a licence in accordance with Section 3 must be submitted to the Federal Institute for Drugs and Medical Devices."

3. § Section 19 (2a) and (3) shall be cancelled. 3a. § Section 30 (1) is amended as follows:

- a) In point 3, the word "or" after the word "caused" is replaced by a comma.

- b) In point 4, the full stop at the end is replaced by the word "or".

- c) The following point 5 is added:

"5. wilfully commits an offence referred to in section 29a(1)(1) and thereby, at least recklessly, seriously endangers the physical, mental or moral development of a child or young person."

4. § Section 24a is cancelled.

5. § Section 32 is amended as follows

- a) Paragraph 1 is amended as follows:

- aa) In point 13, the comma is replaced by the word "or".

- bb) Number 14 is cancelled.

- cc) Number 15 becomes number 14.

- b) In paragraph 3, the words ", in the case of section 32(1) no. 14, the Federal Office for Agriculture and Food" shall be deleted.

6. Annex I (to Section 1 (1)) is amended as follows:

a) The following items are cancelled:

"- Cannabis

- (Marijuana, plants and parts of plants belonging to the genus Cannabis)

– excluded

a) their seed, provided it is not intended for unauthorised cultivation,

b) if they originate from cultivation in countries of the European Union with certified seed of hemp varieties which are listed in the common catalogue of varieties of agricultural plant species on 15 March of the year of cultivation and which are published in accordance with Article 17 of Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1), as amended, are published by the European Commission in the C series of the Official Journal of the European Union, or their tetrahydrocannabinol content does not exceed 0.3 per cent and the trade in them (with the exception of cultivation) is exclusively for commercial or scientific purposes which exclude abuse for intoxication purposes,

c) when they are planted as protective strips in beet cultivation and destroyed before flowering,

d) if they are cultivated by agricultural companies that

aa) fulfil the requirements of Section 1 (4) of the Act on Old-Age Insurance for Farmers, with the exception of enterprises in forestry, horticulture and viticulture, fish farming, pond farming, beekeeping, inland fishing and transhumance, or

bb) are eligible for a direct payment under the CAP Direct Payments Act

and cultivation is carried out exclusively from certified seeds of hemp varieties that are grown on the

15 March of the year of cultivation are listed in the common catalogue of varieties of agricultural plant species and which, in accordance with Article 17 of Council Directive 2002/53/EC of

13 June 2002 on a common catalogue of varieties of agricultural plant species (OJ L 193, 20.7.2002, p. 1), as amended, published by the European Commission in the C series of the Official Journal of the European Union (industrial hemp), or

e) for the purposes specified in Annex III

- Cannabis resin

- (hashish, the secreted resin of plants belonging to the genus Cannabis)".

b) The items "Tetrahydrocannabinols, the following isomers and their stereochemical variants:" to " $\Delta^9(11)$ -Tetrahydrocannabinol ($\Delta^9(11)$ -THC)" are worded as follows:

" INOther non- chemical names (IUPAC)
proprietary or trivial
names

– Tetrahydrocannabinols, the
following isomers and their
stereochemical variants:

- $\Delta 6a(10a)$ -Tetrahydrocannabinol ($\Delta 6a(10a)$ -THC) 6,6,9-Trimethyl-3-pentyl-7,8,9,10-tetrahydro-6H-benzo[c]chromen-1-ol
- $\Delta 6a$ -Tetrahydrocannabinol ($\Delta 6a$ -THC) (*9R,10aR*)-6,6,9-Trimethyl-3-pentyl-8,9,10,10a-tetrahydro-6H-benzo[c]chromen-1-ol
- $\Delta 7$ -Tetrahydrocannabinol ($\Delta 7$ -THC) (*6aR,9R,10aR*)-6,6,9-Trimethyl-3-pentyl-6a,9,10,10a-tetrahydro-6H-benzo[c]chromen-1-ol
- $\Delta 8$ -Tetrahydrocannabinol ($\Delta 8$ -THC) (*6aR,10aR*)-6,6,9-Trimethyl-3-pentyl-6a,7,10,10a-tetrahydro-6H-benzo[c]chromen-1-ol
- $\Delta 10$ -Tetrahydrocannabinol ($\Delta 10$ -THC) (*6aR*)-6,6,9-Trimethyl-3-pentyl-6a,7,8,9-tetrahydro-6H-benzo[c]chromen-1-ol
- $\Delta 9(11)$ -Tetrahydrocannabinol ($\Delta 9(11)$ -THC) (*6aR,10aR*)-6,6-Dimethyl-9-methylen-3-pentyl-6a,7,8,9,10,10a-hexahydro-6H-benzo[c]chromen-1-ol

– excluded,

- a) if it is cannabis for medical-scientific purposes within the meaning of the Medicinal Cannabis Act, or
- b) if it is a non-synthetic form that is marketed for non-medical purposes."

7. In Annex II (to Section 1 (1)), the item " $\Delta 9$ -Tetrahydrocannabinol ($\Delta 9$ -THC)" is worded as follows:

" INOther non-proprietary or trivial names chemical names (IUPAC)

- $\Delta 9$ -Tetrahydrocannabinol ($\Delta 9$ -THC) 6,6,9-Trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromen-1-ol

– excluded,

- a) if it is cannabis for medical purposes or cannabis for medical-scientific purposes within the meaning of the Medicinal Cannabis Act, or
- b) if it is a non-synthetic form that is in circulation for non-medical purposes."

8. Annex III (to § 1 para. 1) is amended as follows:

a) The following item is deleted:

"- Cannabis

- (Marijuana, plants and parts of plants belonging to the genus Cannabis)

- only from cultivation for medicinal purposes under State control in accordance with Articles 23 and 28(1) of the Single Convention on Narcotic Drugs of 1961 and in preparations authorised as finished medicinal products -'.
- b) The item "Dronabinol" is deleted.

"	INOther non-proprietary or trivial names	chemical names (IUPAC)
Dronabinol	-	(6aR,10aR)-6,6,9-Trimethyl-3-pentyl-6a,7,8,10a-tetrahydro-6H-benzo[c]chromen-1-ol
- excluded,
 - a) if it is cannabis for medical purposes or cannabis for medical-scientific purposes within the meaning of the Medicinal Cannabis Act, or
 - b) if it is a non-synthetic form that is marketed for non-medical purposes."

Article 4

Amendment to the Narcotics Prescription Ordinance

The Narcotics Prescription Ordinance of 20 January 1998 (Federal Law Gazette I. p. 74, 80), which was last amended by Article 1 of the Ordinance of 15 March 2023 (Federal Law Gazette 2023 I No. 70), is amended as follows:

1. In Section 1 (1) sentence 1, the comma and the words "cannabis, including in the form of dried flowers," are deleted.
2. In Section 3 (1) and Section 4 (1), the word "cannabis," and the word "dronabinol," are each deleted.

Article 5

Amendment of the Narcotics Foreign Trade Regulation

§ Section 15 (1) sentence 2 of the Narcotics Foreign Trade Ordinance of 16 December 1981 (Federal Law Gazette I p. 1420), which was last amended by Article 2 of the Act of 6 March 2017 (Federal Law Gazette I p. 403), is repealed.

Article 6

Amendment to the Special Fees Ordinance BMG

The Special Fees Ordinance BMG of 24 September 2021 (Federal Law Gazette I p. 4391), which was last amended by Article 1 of the Ordinance of 20 January 2023 (Federal Law Gazette 2023 I No. 18), is amended as follows:

1. § 1 is amended as follows:
 - a) In point 18, the full stop at the end is replaced by a comma.

b) The following point 19 is added:

"19th Medicinal Cannabis Act."

2. The Annex (to Section 2 (1)) is amended as follows:

a) The following information on section 15 is added to the table of contents:

"Section 15 of the
Medicinal Cannabis Act".

b) In section 1, items 1.1, 1.2, 3, 5 and 9, the sentence "Note: In the case of "Cannabis (marijuana, plants and parts of plants belonging to the genus Cannabis)", each variety is to be calculated as a separate narcotic." is deleted.

c) The following section 15 is added:

"Section 15
Medical Cannabis Act (MedCanG)

Charging authority: Federal Institute for Drugs and Medical Devices		
Number	Fee or display offence	Amount of fees or expenses in Euro
1	Granting of a licence in accordance with § 4 MedCanG	
1.1	For each of the following types of traffic per type of cannabis for medical purposes or cannabis for medical-scientific purposes and per business premises Note: Each strain is to be calculated as a separate type of cannabis for medicinal purposes or cannabis for non-medicinal purposes.	
1.1.1	Cultivation including extraction	240
1.1.2	Production, with the exception of intermediate products that arise during production and are directly processed further	480
1.1.2.1	If the cannabis produced for medical purposes and cannabis for medical-scientific purposes is intended solely for diagnostic or analytical purposes without being used on or in the human or animal body	240
1.1.3	Domestic trade	590
1.1.3.1	Temporary one-off authorisation	295
1.1.3.2	Maximum limit per permanent establishment	8 850
1.1.4	Foreign trade including domestic trade	1 040
1.1.4.1	Temporary one-off authorisation	520
1.1.4.2	Maximum limit per permanent establishment	15 600

Charging authority: Federal Institute for Drugs and Medical Devices		
Number	Fee or display offence	Amount of fees or expenses in Euro
1.2	For each of the following types of traffic per type of cannabis for medical purposes or cannabis for medical-scientific purposes and per business premises, if the traffic serves only scientific or analytical purposes or is carried out without an economic purpose Note: Each strain is to be calculated as a separate type of cannabis for medicinal purposes or cannabis for non-medicinal purposes.	
1.2.1	Cultivation including extraction	190
1.2.2	Manufacture (with the exception of intermediate products obtained during manufacture and directly processed and of preparations for internal scientific purposes)	190
1.2.3	Acquisition	190
1.2.3.1	If multiple types of cannabis for medical purposes or cannabis for medical/scientific purposes are included, no more than a total of Note: Each strain is to be calculated as a separate type of cannabis for medicinal purposes or cannabis for non-medicinal purposes.	4425
1.2.4	Delivery	190
1.2.5	Import	190
1.2.6	Export	190
2	Issue of a new licence in accordance with Section 8 (2) sentence 1 MedCanG in conjunction with Section 4 MedCanG	
2.1	Issuing a new licence due to newly included types of traffic or species of cannabis for medical purposes or cannabis for medical-scientific purposes Note: Each strain is to be calculated as a separate type of cannabis for medicinal purposes or cannabis for non-medicinal purposes.	The fee specified in number 1 for the granting of a corresponding licence in accordance with Section 4 MedCanG
2.2	Issue of a new licence due to a change in the identity of the licence holder	50 per cent of the shares in number 1 for the Issue of a corresponding licence in accordance with § 4 MedCanG fixed fee
2.3	Issue of a new licence due to a change in the location of the business premises, except within a building	50 per cent of the shares in number 1 for the Issue of a corresponding licence in accordance with § 4 MedCanG fixed fee
3	Issue of an amended licence in accordance with Section 8 (2) sentence 1 in conjunction with Section 4 MedCanG	
3.1	Amendment of a licence, provided that the traffic serves only scientific or analytical purposes or is not for commercial purposes, per amendment	90

Charging authority: Federal Institute for Drugs and Medical Devices		
Number	Fee or display offence	Amount of fees or expenses in Euro
3.2	Amendment of a licence in all other cases, per amendment	190
4	Extension of a temporary authorisation granted in accordance with Section 10 Number 1 MedCanG	25 per cent of the fee specified in number 1 for the granting of a corresponding permit in accordance with Section 4 MedCanG
5	Subsequent amendment of a licence in accordance with Section 10 number 2 MedCanG	190
6	Issue of an import licence in accordance with § 14 MedCanG in conjunction with § Section 3(1) BtMAHV, an export licence pursuant to Section 14 MedCanG in conjunction with Section 9(1) BtMAHV, for each type of cannabis for medical purposes or cannabis for medical-scientific purposes Note: Each strain is to be calculated as a separate type of cannabis for medicinal purposes or cannabis for non-medicinal purposes.	70
6.1	Issue of an import licence pursuant to Section 14 MedCanG in conjunction with Section 3(1) BtMAHV or an export licence pursuant to Section 14 MedCanG in conjunction with Section 9(1) BtMAHV, if the traffic serves only scientific or analytical purposes of particular importance or is carried out without an economic purpose, per type of cannabis for medical purposes or cannabis for medical-scientific purposes Note: Each strain is to be calculated as a separate type of cannabis for medicinal purposes or cannabis for non-medicinal purposes.	35
7	Inspections in accordance with Section 18 (1) sentence 1 number 3 MedCanG	660 to 15 000
8	Issuing a protective order in accordance with Section 21 (2) MedCanG	150
9	Other individually attributable public services provided on request	
9.1	Non-simple written technical information	50 to 500
9.2	Requested professional certificates and certifications, unless these are issued by § 12 AGebV are covered	50 to 250
9.3	Expert advice for the applicant (counselling interview)	500 to 5 000
10	Expenses	
10.1	Costs for business trips in the case of number 7	In the amount actually incurred
10.2	Costs for notifications in opposition proceedings	In the amount actually incurred".

Article 7

Amendment of the Medicinal Products Act

In Section 81 of the Medicinal Products Act in the version published on 12 December 2005 (Federal Law Gazette I p. 3394), which was last amended by Article 8c of the Act of 20 December 2022 (Federal Law Gazette I p. 2793), the words "of the Consumer Cannabis Act, the Medical Cannabis Act," shall be inserted after the word "Atomic Energy Act,".

Article 8

Amendment of the Federal Non-Smoker Protection Act

The Federal Non-Smoker Protection Act of 20 July 2007 (Federal Law Gazette I p. 1595), which was amended by Article 2 of the Act of 9 June 2021 (Federal Law Gazette I p. 1730), is amended as follows:

1. In Section 1 (1), the words "of tobacco and cannabis products, including the use of electronic cigarettes and heated tobacco products as well as devices for vaporising tobacco and cannabis products" shall be inserted in the part of the sentence before the word "smoking".
2. In section 2 number 3, the words "(to sections 10 to 14) number 2 sentence 1" are replaced by the words "number 2 sentence 1".
mer 2" has been replaced.

Article 9

Amendment of the Youth Labour Protection Act

§ Section 25 (1) sentence 1 of the Youth Employment Protection Act of 12 April 1976 (Federal Law Gazette I p. 965), which was last amended by Article 2 of the Act of 16 July 2021 (Federal Law Gazette I p. 2970), is amended as follows:

1. In point 4, the word "or" is replaced by a comma.
2. Number 5 is replaced by the following numbers 5 and 6:
"5. for an offence under the Consumer Cannabis Act or the Medical Cannabis Act or
6. for an offence under the Youth Protection Act at least twice".

Article 10

Amendment to the Workplace Ordinance

In Section 5 (1) sentence 1 of the Workplace Ordinance of 12 August 2004 (BGBl. I p. 2179), which was last amended by Article 4 of the Act of 22 December 2020 (BGBl. I p. 3334), the word "tobacco smoke" is replaced by the words "smoke and vapours from tobacco and cannabis products and electronic cigarettes".

Article 11

Amendment of the Federal Central Register Act

The Federal Central Criminal Register Act in the version published on 21 September 1984 (Federal Law Gazette I p. 1229; 1985 I p. 195), which was last amended by Article 1 of the Act of 4 December 2022 (Federal Law Gazette I p. 2146), is amended as follows:

1. § Section 17 (1) sentence 1 shall be worded as follows:

"If the execution of a sentence, a suspended sentence or placement in a detoxification centre is postponed pursuant to Section 35 of the Narcotics Act - also in conjunction with Section 38 of the Narcotics Act, Section 39 of the Consumer Cannabis Act or Section 30 of the Medical Cannabis Act - this shall be entered in the register."

2. § Section 32 (2) is amended as follows:

- a) In number 3, the words ", - also in conjunction with Section 39 of the Consumer Cannabis Act or Section 30 of the Medical Cannabis Act -" are inserted after the word "Narcotics Act".

- b) Point 6 is amended as follows:

- aa) In letter a, the words "Section 35 or Section 36 of the Narcotics Act" are replaced by the words "Section 35 of the Narcotics Act or Section 36 of the Narcotics Act - also in conjunction with Section 39 of the Consumer Cannabis Act or Section 30 of the Medical Cannabis Act".

- bb) In letter b, the words "Section 56 or Section 57 of the Criminal Code" are replaced by the words "Section 56 of the Criminal Code or Section 57 of the Criminal Code".

- c) In number 7, the words "- also in conjunction with Section 39 of the Consumer Cannabis Act or Section 30 of the Medical Cannabis Act -" are inserted after the word "Narcotics Act".

3. The following sentences shall be added to § 48:

"The cancellation shall only take place if the requirements of sentence 1 can be determined on the basis of the data entered in accordance with Section 5. Other statutory provisions on the cancellation of entries due to changes in the law remain unaffected."

Article 12

Amendment of the Criminal

Code

The Criminal Code in the version published on 13 November 1998 (Federal Law Gazette I p. 3322), which was last amended by Article 1 of the Act of 26 July 2023 (Federal Law Gazette 2023 I No. 203), is amended as follows:

1. The following numbers 6a and 6b are inserted after section 76a (4) sentence 3 number 6:

"6a. from the Consumer Cannabis Act:

- a) Offences under a provision referred to in section 34 (3) sentence 2 number 1 or number 4 under the conditions specified therein,
- b) Offences under section 34(4),

6b. of the Medicinal Cannabis Act:

- a) Offences under a provision referred to in Section 25 (4) sentence 2 number 1 or number 4 under the conditions specified therein,

- b) Offences under section 25(5),".
2. § Section 145d (3) is amended as follows:
- a) In number 2, the words "in Section 31 sentence 1 number 2 of the Narcotics Act or in Section 4a sentence 1 number 2 of the Anti-Doping Act" are replaced by the words "in Section 31 sentence 1 number 2 of the Narcotics Act, in Section 4a sentence 1 number 2 of the Anti-Doping Act, in Section 35 sentence 1 number 2 of the Consumer Cannabis Act or in Section 26 sentence 1 number 2 of the Medical Cannabis Act".
- b) In the sentence following the list, the words "Section 31 of the Narcotics Act or Section 4a of the Anti-Doping Act" are replaced by the words "Section 31 of the Narcotics Act, Section 4a of the Anti-Doping Act, Section 35 of the Consumer Cannabis Act or Section 26 of the Medical Cannabis Act".
3. In Section 164 (3) sentence 1, the words "Section 31 of the Narcotics Act or Section 4a of the Anti-Doping Act" shall be replaced by the words "Section 31 of the Narcotics Act, Section 4a of the Anti-Doping Act, Section 35 of the Consumer Cannabis Act or Section 26 of the Medical Cannabis Act".

Article 13

Amendment of the Introductory Act to the Criminal Code

Before Article 317 of the Introductory Act to the Criminal Code of 2 March 1974 (Federal Law Gazette I p. 469; 1975 I p. 1916; 1976 I p. 507), which was last amended by Article 4 of the Act of 26 July 2023 (Federal Law Gazette 2023 I No. 203), the following Article 316... [insert: at the time of promulgation next free letter addition] is inserted:

"Article 316... [insert: at the time of promulgation next free letter addition]"

Sentences not yet enforced in connection with cannabis under the Narcotics Act

With regard to penalties imposed before ... [insert: date of entry into force pursuant to Article 15(1) of this Act] imposed under the Narcotics Act which are no longer punishable under the Consumer Cannabis Act or the Medicinal Cannabis Act and are not punishable by a fine, Article 313 shall apply accordingly."

Article 13a

Amendment of the Code of Criminal Procedure

The Code of Criminal Procedure in the version published on 7 April 1987 (Federal Law Gazette I p. 1074, 1319), which was last amended by Article 2 of the Act of 26 July 2023 (Federal Law Gazette 2023 I No. 203), is amended as follows:

1. The following numbers 7a and 7b are inserted after section 100a (2) number 7:
- "7a. from the Consumer Cannabis Act:
- a) Offences under a provision referred to in section 34 (3) sentence 2 number 1 under the conditions specified therein,
- b) Offences under Section 34 (4),
- 7b. from the Medical Cannabis Act:

- a) Offences under a provision referred to in Section 25 (4) sentence 2 number 1 under the conditions specified therein,
 - b) Offences under section 25(5),".
2. The following numbers 5a and 5b are inserted after section 100b (2) number 5:
"5a. from the Consumer Cannabis Act:
Offences under section 34(4)(1), (3) or (4), 5b. u n d e r the
Medicinal Cannabis Act:
Offences under section 25(5)(1), (3) or (4)".
3. In section 100j (1) sentence 3, the words "5a, 5b," shall be inserted after the words "or number 5,".
 4. In section 104(2), a comma and the word "cannabis" shall be inserted after the word "narcotics".
 5. In section 112a(1) sentence 1 number 2, the words "or pursuant to a provision referred to in section 34(3) sentence 2 number 1, 3 or number 4 of the Consumer Cannabis Act under the conditions specified therein or pursuant to section 34(4) of the Consumer Cannabis Act or pursuant to a provision referred to in section 25(4) sentence 2 number 1, 3 or number 4 of the Medicinal Cannabis Act under the conditions specified therein or pursuant to section 25(4) sentence 2 number 1, 3 or number 4 of the Medicinal Cannabis Act" shall be inserted after the word "Narcotics Act".
§ Section 25(5) of the Medicinal Cannabis Act" has been inserted.
 6. § Section 443 (1) sentence 1 is amended as follows:
 - a) In point 3, the word "or" at the end is replaced by a comma.
 - b) A comma is added to point 4.
 - c) The following points 5 and 6 are inserted after point 4:
 - "5. a provision referred to in Section 34 (3) sentence 2 number 1, 3 or number 4 of the Consumer Cannabis Act under the conditions specified therein or an offence under § Section 34 (4) of the Consumer Cannabis Act or
 6. a provision referred to in Section 25 (4) sentence 2 numbers 1, 3 or 4 of the Medicinal Cannabis Act under the conditions specified therein or an offence under Section 25 (5) of the Medicinal Cannabis Act".

Article 14

Amendment to the Driving Licence Ordinance

The Driving Licence Ordinance of 13 December 2010 (Federal Law Gazette I p. 1980), last amended by Article 4 of the Ordinance of 20 July 2023 (Federal Law Gazette 2023 I No. 199), is amended as follows:

1. The following § 13a is inserted after § 13:

"§ 13a

Clarification of suitability doubts in the case of cannabis problems

In preparation for decisions on the issue or renewal of a driving licence or on the imposition of restrictions or conditions, the driving licence authority shall order that

1. a medical report (Section 11 (2) sentence 3) must be provided if facts give rise to the assumption of cannabis dependence, or

2. a medical-psychological expert opinion must be provided if
 - a) according to the medical report, there is no cannabis dependence, but there are signs of cannabis abuse or other facts justifying the assumption of cannabis abuse,
 - b) repeated offences were committed while driving under the influence of cannabis,
 - c) the driving licence was revoked for one of the reasons mentioned in points (a) and (b), or
 - d) otherwise it must be clarified whether cannabis abuse or cannabis dependence no longer exists."
2. § Section 14 (1) sentence 3 is cancelled.
3. The table in Annex 4 is amended as follows:
 - a) In the first column of point 9.1, the words "(except cannabis)" are deleted.
 - b) Section 9.2 is worded as follows:

" Diseases, defects	Suitability or conditional suitability		Restrictions/conditions for conditional suitability	
	Classes A, A1, A2, B, BE, AM, L, T	Classes C, C1, CE, C1E, D, D1, DE, D1E, FzF	Classes A, A1, A2, B, BE, AM, L, T	Classes C, C1, CE, C1E, D, D1, DE, D1E, FzF
9. 2Ingestion of cannabis				
9.2.1 Misuse (Driving a vehicle and cannabis use that impairs driving safety cannot be separated with sufficient certainty).	no	no	-	-
9.2.2 after termination of the abuse	Yes when the change in cannabis consumption behaviour is established	Yes when the change in cannabis consumption behaviour is established	-	-
9.2.3 Dependence	no	no	-	-
9.2.4 After addiction (withdrawal treatment)	Yes if addiction no longer exists and, as a rule, one year of abstinence has been proven	Yes if addiction no longer exists and, as a rule, one year of abstinence has been proven	-	-".

4. In Annex 4a(1)(f), the words "alcohol or narcotics or medicinal products" shall be replaced by the words "alcohol or narcotics or cannabis or medicinal products".

Article 14a

Amendment of the Courts Constitution Act

In section 74a(1)(4) of the Courts Constitution Act in the version published on 9 May 1975 (Federal Law Gazette I p. 1077), which was last amended by Article 3 of the Act of 8 October 2023 (Federal Law Gazette 2023 I No. 272), a comma and the words "Consumer Cannabis Act or Medical Cannabis Act" shall be inserted after the word "Narcotics Act".

**Article 14b Restriction of
fundamental rights**

(1) Article 13a numbers 1 and 3 restrict the fundamental right to secrecy of telecommunications (Article 10 of the Basic Law).

(2) Article 13a(2) restricts the fundamental right to the inviolability of the home (Article 13 of the Basic Law).

(3) Article 13a(4) restricts the fundamental right to the inviolability of the home (Article 13 of the Basic Law).

Article 15

Entry into

force

(1) Subject to paragraphs 2 and 3, this Act shall enter into force on 1 April 2024.

(2) In Article 1, Section 2 (3) sentence 1 no. 4, Section 3 (3), Section 4 (3), Section 5 (2) sentence 1 no. 6, §§ 6, 8 (2), §§ 11 to 17 (1) to (3), §§ 18 to 21 (1) to (3), §§ 22 to 27 paragraph 1 to 6, sections 28, 29, 34 paragraph 1 numbers 15 and 16 and section 36 paragraph 1 numbers 7 to 37 on 1 July 2024 in force.

(3) In Article 1, Sections 40 to 42 shall enter into force on ... [insert: date of the first day of the fourth calendar quarter following the promulgation].