# Outline of the Act Partially Amending the Cannabis Control Act and the Narcotics and Psychotropics Control Act

#### Purpose of the Amendment

In order to plan the appropriate use of cannabis plants in medicine and industry and to prevent the occurrence of public health hazards due to abuse, the following measures will be taken: (i) development of provisions to enable the treatment and distribution of medicines manufactured from cannabis plants; (ii) development of provisions to apply the crime of the penal provision for human use of cannabis and THC; and (iii) measures such as development of provisions to review the regulations on cultivation of cannabis plants.

#### Outline of the Amendment

1. Development of provisions to enable the treatment of medicines manufactured from cannabis plants [Cannabis Control Act, Narcotics and Psychotropics Control Act]

The provisions that prohibit the human use and distribution of medicines manufactured from cannabis will be deleted, and by positioning cannabis and THC as "narcotics" under the Narcotics and Psychotropics Control Act the administration and distribution of medicines manufactured from cannabis plants will be made possible.

- (\*) "Cannabis and THC": Cannabis and its harmful ingredient THC (tetrahydrocannabinol: an ingredient that should be regulated as a narcotic that shows psychological effects such as hallucination)
  - "Narcotics Control Act": Narcotics and Psychotropics Control Act. "Human use": To take or administer a narcotic into the body.
- 2. Development of provisions concerning the application of the crime of cannabis [Cannabis Control Act, Narcotics and Psychotropics Control Act]
- (1) The prohibition and penal provisions (crime of self use or administration for others) apply to the illegal or wrongful use of cannabis and THC as a "narcotic" in the Narcotics and Psychotropics Control Act as with other controlled substances.
- (\*) The regulations and penal provisions under the Narcotics and Psychotropics Control Act also apply to the wrongful possession, transfer, acquisition, import, and other acts of cannabis (currently, there are similar regulations under the Cannabis Control Act).
- (2) In order to prevent the occurrence of public health hazards, residual limit values will be established for THC that remains in trace amounts in cannabis plant derived products. In addition, some ingredients derived from cannabis plant that can easily produce narcotics through chemical changes will be deemed narcotics.
- 3. Development of provisions concerning the review of regulations on the cultivation of cannabis plants [Cannabis Control Act] (\*) The name of the Cannabis Control Act is amended as the "Act on Regulation of Cultivation of Cannabis Plants"
- (1) The licenses of cannabis plant cultivators are classified, and the case of cultivation as raw materials for products of cannabis plants is classified as type 1 cannabis plant cultivators license (licensed by a prefectural governor), and the case of cultivation as active ingredients for medicines is classified as type 2 cannabis plant cultivators license (licensed by the Minister of Health, Labour and Welfare).
- (2) Necessary regulations will be established, such as requiring type I cannabis plant cultivators to cultivate using seeds or others collected from cannabis plants with THC below the reference value.
- (\*) When a cannabis plant cultivating person processes cannabis plants, such as extracting ingredients, or imports seeds of cannabis plants that can germinate, regulations will be established such as license from the Minister of Health, Labour and Welfare is to be required.
- (3) When conducting cultivation for research of cannabis plants, a cannabis plant research and cultivation license (licensed by the Minister of Health, Labour and Welfare) is to be required.

And other provisions.

### **Effective Date**

The effective dates specified by Cabinet Order within a period not exceeding one year from the dates of promulgation (3. (i) and (ii) are the effective dates specified by Cabinet Order within a period not exceeding two years from the date of promulgation)

# 大麻取締法及び麻薬及び向精神薬取締法の一部を改正する法律の概要

## 改正の趣旨

大麻草の医療や産業における適正な利用を図るとともに、その濫用による保健衛生上の危害の発生を防止するため、①大麻草から製造された医薬品の施用等を可能とするための規定の整備、②大麻等の施用罪の適用等に係る規定の整備、③大麻草の栽培に関する規制の見直しに係る規定の整備等の措置を講ずる。

## 改正の概要

- 1. 大麻草から製造された医薬品の施用等を可能とするための規定の整備【大麻取締法、麻薬及び向精神薬取締法】
- 大麻から製造された医薬品の施用等を禁止する規定を削除するとともに、大麻等を麻向法における「麻薬」と位置づけることで、 大麻草から製造された医薬品の施用等を可能とする。
  - (※) 「大麻等」:大麻及びその有害成分であるTHC(テトラヒドロカンナビノール: 幻覚等の精神作用を示す麻薬として規制すべき成分) 「麻向法」:麻薬及び向精神薬取締法 「施用」:医薬品である麻薬を身体に投与・服用すること。
- 2. 大麻等の施用罪の適用等に係る規定の整備【大麻取締法、麻薬及び向精神薬取締法】
- ① 大麻等の不正な施用についても、他の規制薬物と同様に、麻向法における「麻薬」として禁止規定及び罰則(施用罪)を適用する。 (※)大麻の不正な所持、譲渡、譲受、輸入等についても、麻向法における規制・罰則を適用(現行は大麻取締法で同様の規制有)
- ② 保健衛生上の危害発生防止のため、大麻草由来製品に微量に残留するTHCの残留限度値を設けることとする。また、大麻草由来の成分のうち、化学的変化により容易に麻薬を生じ得る一部の成分について麻薬とみなすこととする。
- 3. 大麻草の栽培に関する規制の見直しに係る規定の整備<br/>【大麻取締法】 (※)大麻取締法の名称を「大麻草の栽培の規制に関する法律」に改正
- ① 大麻草採取栽培者の免許を区分し、大麻草の製品の原材料として栽培する場合を第一種大麻草採取栽培者免許(都道府県知事の免許) に、医薬品の原料として栽培する場合を第二種大麻草採取栽培者免許(厚生労働大臣の免許)とする。
- ② 第一種大麻草採取栽培者について、THCが基準値以下の大麻草から採取した種子等を利用して栽培しなければならないこととするなど、所要の規制を設ける。
  - (※)大麻草採取栽培者が成分の抽出等の大麻草の加工を行う場合や、発芽可能な大麻草の種子の輸入を行う場合に、厚生労働大臣の許可を要することといる等の規制を設ける。
- ③ 大麻草の研究栽培を行う場合は、大麻草研究栽培者免許(厚生労働大臣の免許)を要することとする。

## 施行期日

公布日から1年を超えない範囲内で政令で定める日(3.①及び②は、公布日から2年を超えない範囲内で政令で定める日)

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