



STATUTORY INSTRUMENTS.

S.I. No. 150 of 2023

MISUSE OF DRUGS (AMENDMENT) REGULATIONS 2023

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I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by sections 4, 5 (amended by section 3 of the Misuse of Drugs (Amendment) Act 2016 (No. 9 of 2016)), 18 and 38 of the Misuse of Drugs Act 1977 (No. 12 of 1977) and section 5 of the Misuse of Drugs Act 1984 (No. 18 of 1984) and for the purpose of giving full effect to Commission Regulation (EU) 2021/2142 of 3 December 2021¹ and Commission Regulation (EU) 2022/1393 of 11 August 2022², hereby make the following regulations:

1. (1) These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations 2023.

(2) The Principal Regulations, the Misuse of Drugs (Amendment) Regulations 2019 (S.I. No. 282 of 2019), the Misuse of Drugs (Amendment) Regulations 2020 (S.I. No. 99 of 2020), the Regulations of 2022 and these Regulations may be cited together as the Misuse of Drugs Regulations 2017 to 2023.

2. In these Regulations—

“Principal Regulations” means the Misuse of Drugs Regulations 2017 (S.I. No. 173 of 2017);

“Regulations of 2022” means the Misuse of Drugs (Amendment) Regulations 2022 (S.I. No. 210 of 2022).

3. The Principal Regulations are amended by inserting after Regulation 12 the following Regulation:

“Exemption in respect of opium alkaloids in poppy seeds

12A. A person may have in his or her possession foodstuffs containing poppy seeds contaminated by opium alkaloids provided that the contamination level does not exceed the applicable maximum level set out in entry 8.5 of the Annex to Commission Regulation (EU) No. 1881/2006 of 19 December 2006³, as inserted by Article 1 of Commission Regulation (EU) 2021/2142 of 3 December 2021¹.

4. Paragraph 1(a) of Schedule 1 (inserted by Regulation 2(a) of the Regulations of 2022) to the Principal Regulations is amended by substituting for “Cannabinol derivatives, not being dronabinol or its stereoisomers” the following:

¹ OJ No. L 433, 6.12.2021, p. 8.

² OJ No. L 211, 12.8.2022, p. 83.

³ OJ No. L 364, 20.12.2006, p. 5.

“Cannabinol derivatives, not being dronabinol or its stereoisomers and not being Delta-9-tetrahydrocannabinol contaminant in foodstuffs containing hemp seeds, ground hemp seeds, (partially) defatted hemp seed, other hemp seed derived/processed products or hemp seed oil (provided that the contamination level does not exceed the applicable maximum level set out in entry 8.6 of the Annex to Commission Regulation (EU) No. 1881/2006 of 19 December 2006³, as inserted by Article 1 of Commission Regulation (EU) 2022/1393 of 11 August 2022²).”.

GIVEN under my Official Seal,
30 March, 2023.

STEPHEN DONNELLY,
Minister for Health.



EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to amend the Misuse of Drugs Regulations 2017 to take account of permitted contamination levels of particular foodstuffs under Commission Regulation (EC) No. 1881 /2006 of 19 December 2006, as amended by Commission Regulation (EU) 2021/2142 of 3 December 2021 and Commission Regulation (EU) 2022/1393 of 11 August 2022.

These Regulations may be cited as the Misuse of Drugs (Amendment) Regulations 2023.

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