

Act of 13 November 2019, regulating a uniform experiment with the cultivation and sale of cannabis and cannabis resin for recreational use in a controlled supply chain (Controlled Cannabis Supply Chain Experiment Act)

We Willem-Alexander, by the grace of God King of the Netherlands, Prince of Orange-Nassau, etc., etc., etc.

Greetings to all who see or hear these presents! Be it known:

Whereas We have considered that it is desirable to adopt legislation to establish a uniform experiment with the cultivation of cannabis and cannabis resin for recreational use, with the aim of discovering whether it is possible to establish a decriminalised supply of cannabis and cannabis resin to coffee shops in a controlled supply chain, and if so how, and what the effects would be;

We, therefore, having heard the Advisory Division of the Council of State, and in consultation with the States General, have approved and decreed as We hereby approve and decree:

Section 1

The following definitions apply in this Act and the provisions based on it:

Cannabis: cannabis, referred to as 'hemp' (*hennep* in Dutch) in Schedule II to the Opium Act;

Cannabis resin: cannabis resin, referred to as 'hashish' (*hasjiesj* in Dutch) in Schedule II to the Opium Act;

Coffee shop: coffee shop as referred to in section 6a;

Controlled cannabis supply chain: a supply chain in which the cultivation of cannabis or cannabis resin for recreational use and its delivery to and sale in a coffee shop, and/or any other related act as referred to in section 3 (B) and (C) of the Opium Act takes place;

Our Ministers: Our Minister for Medical Care and Our Minister of Justice and Security.

Section 2

An experiment is to be conducted with the quality-controlled cultivation of cannabis and cannabis resin for recreational use and the delivery to and sale thereof in coffee shops within a controlled supply chain, in accordance with the rules laid down by or pursuant to this Act, with the aim of ascertaining whether it is possible to establish a decriminalised supply of cannabis and cannabis resin to coffee shops, and if so how, and what the effects would be.

Section 3

1. In relation to the acts referred to in section 3 (B) and (C) of the Opium Act, the prohibition defined in those provisions does not apply, in so far as these acts are conducted within the framework of the preparation, execution and phasing out of the experiment and in accordance with the requirements governing those acts as laid down by or pursuant to section 6 or 7 of this Act.

2. Section 13b of the Opium Act does not apply in so far as the acts referred to in subsection 1 of that section are conducted within the framework of the preparation, execution or phasing out of the experiment.

Section 4

1. The experiment will commence at a time determined by order of Our Ministers and have a duration of four years from the date on which the execution phase commences, after which period the experiment will be phased out over a period not to exceed six months, unless a different duration is determined by order in council. The duration may be extended by up to one year and six months by order in council.

2. The order of Our Ministers referred to in subsection 1 is to be published in the Government Gazette.

Section 5

1. In the framework of and for the duration of the experiment, Our Ministers may, following an application to that effect, designate one or more growers to produce cannabis or cannabis resin for the purposes of the experiment. Our Ministers may revoke any such designation.

2. Our Ministers may attach rules to any such new or existing designation. A rule may be amended or revoked.

3. Rules are to be laid down by or pursuant to order in council in relation to:

- a. the criteria and procedure for the selection and designation of growers;
- b. the rules to be attached to a designation;
- c. the grounds for rejecting an application;
- d. the grounds for revoking a designation.

4. An application for a designation may in any event be rejected or a designation may in any event be revoked in the situation and under the conditions referred to in section 3 of the Public Administration (Probity Screening) Act.

5. Before subsection 4 is applied, the Public Administration Probity Screening Agency referred to in section 8 of the Public Administration (Probity Screening) Act may be asked for a recommendation as referred to in section 9 of that Act.

Section 6

1. Within the framework of and for the duration of the experiment, cannabis or cannabis resin is to be delivered to and sold in coffee shops in a maximum of 10 municipalities to be designated by order in council.

2. In an emergency, Our Ministers may, in order to protect public health or in the interests of public order and safety, impose an order on a designated municipality to cease execution of the experiment immediately. Notice of such an order is to be given in the Government Gazette. After the decision to impose the order has become final and unappealable, a recommendation will be made for an amendment to the order in council adopted pursuant to subsection 1, terminating the designation of the municipality in question.

3. The requirements in relation to which the mayor of a municipality is competent to lay down additional rules for the execution of the experiment in that municipality may be determined by order in council.

Section 6a

1. The mayor of a municipality as referred to in section 6, subsection 1 must determine how many coffee shops are permitted in his municipality.
2. A coffee shop is deemed to be permitted if cannabis or cannabis resin may be sold there on the grounds of an explicit declaration or consistent policy pursued by the mayor.

Section 7

1. Rules governing the experiment are to be laid down by order in council. These rules relate, at least, to:
 - a. requirements governing:
 - 1°. the production of cannabis or cannabis resin, the delivery and sale thereof to coffee shops in the municipalities referred to in section 6, subsection 1, or any other act carried out in that connection as referred to in section 3 (B) and (C) of the Opium Act, operational management, product information, and the safety and quality of the cannabis or cannabis resin;
 - 2°. the proprietors of a coffee shop in one of the municipalities referred to in section 6, subsection 1, including requirements governing participation in the experiment, operational management, the sale of cannabis or cannabis resin, or any other act carried out in that connection as referred to in section 3 (B) and (C) of the Opium Act, or governing non-participation in the experiment;
 - b. the data to be recorded for the purposes of evaluation;
 - c. the phasing out of the experiment. In this regard, the situations may be defined in which the experiment would be phased out earlier than the time referred to in section 4, subsection 1.
2. Further rules governing the execution of the experiment may be laid down by ministerial order.
3. Notwithstanding section 2:15 of the General Administrative Law Act, provision may be made by ministerial order that data or documents from the records kept by designated growers and coffee shops pursuant to subsection 1 (a) may be transmitted by electronic means only. Requirements concerning the use of electronic means may be laid down by that order.

Section 8

1. The task of monitoring compliance with the provisions laid down by or pursuant to section 6 or 7 of this Act is the responsibility of persons designated by order of Our Ministers. Our Ministers may stipulate in that order that the mayor of a municipality as referred to in section 6, subsection 1 must designate the persons responsible for the task of monitoring the coffee shops in that municipality.
2. Orders as referred to in subsection 1 are to be published in the Government Gazette.

Article 8a

1. The maximum amount of time that the personal data Our Ministers process in connection with the performance of their tasks pursuant to this Act may be retained is to be laid down by order in council.
2. Rules are to be laid down by order in council concerning the disclosure of data, including personal data, that our Ministers, the mayors of the municipalities as referred to in section 6, subsection 1 or the persons designated pursuant to section 8, subsection 1 have received or which are required in connection with the performance of their tasks or powers pursuant to this Act, and concerning the further processing of that data in the framework of the experiment. That order must stipulate at

least what personal data may be disclosed to whom and for what purpose this personal data may be disclosed.

Section 9

Our Ministers are competent to impose an order subject to enforcement action to enforce the provisions laid down by or pursuant to section 6, subsections 1 and 2, section 7, subsection 1 (a) (1°), (b) and (c) and subsections 2 and 3 of this Act and the obligation imposed under section 5:20, subsection 1 of the General Administrative Law Act.

Article 9a

1. Our Ministers are competent to impose an administrative fine for an infringement of the rules referred to in section 7, subsection 1 (a) (1°) and (c), in so far as such is laid down by order in council.
2. The administrative fine to be imposed pursuant to subsection 1 may not exceed the amount determined for the sixth category as referred to in article 23 (4) of the Criminal Code.

Section 10

The mayor of a municipality as referred to in section 6, subsection 1 is competent to impose on a coffee shop an order subject to enforcement action to enforce the requirements laid down by or pursuant to section 6, subsection 3 and section 7, subsection 1 (a) (2°) and (c) and subsections 2 and 3 of this Act and to enforce the obligation imposed under section 5:20, subsection 1 of the General Administrative Law Act

Section 11

1. There is a Guidance and Evaluation Committee, whose task it is to monitor the experiment and the evaluation of the experiment and to report its findings to Our Ministers.
2. Requirements governing the monitoring and evaluation of the experiment are to be laid down by order in council, in particular to safeguard the independence and scientific quality of the monitoring and evaluation.
3. The committee must complete its evaluation and send a report to Our Ministers no later than eight months before the scheduled end date of the experiment.

Section 12

Within four months of receiving the evaluation report, Our Ministers will send the government's position on the report and the consequences it wishes to attach to the outcome of the evaluation, as well as the report itself, to the States General. Section 24 of the Advisory Bodies Framework Act does not apply.

Section 13

A recommendation for an order in council pursuant to section 4, subsection 1, section 5, subsection 3, section 6, section 7, subsection 1, section 8a, section 9a, subsection 1 or section 11, subsection 2 is submitted no earlier than four weeks after the bill has been submitted to the States General.

Section 14

The Public Administration (Probity Screening) Act is amended as follows.

1. In section 1, subsection 1 (c), in the opening words, after ‘registration’ ‘, designation’ is inserted, the full stop at the end of point 15 is replaced by a semicolon, and the following new point is inserted:

16°. section 5 of the Controlled Cannabis Supply Chain Experiment Act.

2. In section 27, subsection 1, the full stop at the end of point i is replaced by a semicolon and the following new point is inserted:

j. Our Minister of Health, Welfare and Sport, in so far as the request concerns files containing data processed by the Health and Youth Care Inspectorate,

Section 15

1. If the Bill submitted by Royal Message of 4 September 2017 amending various acts in relation to the entry into force of the Care Providers Admission Act (Act amending various acts in relation to the Care Providers Admission Act; 34 768) is, or has been, passed by Act of Parliament, and section V of that Act enters or has entered into force earlier than the present Act, section 14 of the present Act is amended as follows.

1. In subsection 1, ‘point 15°’ is replaced by ‘point 16°’ and the point to be inserted is numbered 17°.

2. Subsection 2 is repealed.

2. If the Bill submitted by Royal Message of 4 September 2017 amending various acts in relation to the entry into force of the Care Providers Admission Act (Act amending various acts in relation to the Care Providers Admission Act; 34 768) is, or has been, passed by Act of Parliament, and section V of that Act enters into force later than the present Act, section V of that Act is amended as follows.

1. In point A, ‘point 15°’ is replaced by ‘point 16°’ and the point to be inserted is numbered 17°.

2. Subsection 2 is repealed.

Section 16

This Act may be cited as the Controlled Cannabis Supply Chain Experiment Act.

Section 17

1. This Act enters into force on a date to be determined by Royal Decree, which may differ for the different sections or points thereof.

2. This Act lapses four years and six months after the time referred to in section 4, subsection 1 unless determined otherwise by order in council pursuant to that section.

We order and command that this Act be published in the Bulletin of Acts and Decrees and that all ministries, authorities, bodies and officials whom it may concern diligently implement it.

Done at The Hague, 13 November 2019

Willem-Alexander

B.J. Bruins
Minister for Medical Care

F.B.J. Grapperhaus
Minister of Justice and Security

R.W. Knops
Minister of the Interior and Kingdom Relations

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F.B.J. Grapperhaus
Minister of Justice and Security