

Cannabis: Legal and Policy Aspects

Ukraine 2022

Cannabis: Legal Framework

1. [Law of Ukraine “On Narcotic Drugs, Psychotropic Substances and Precursors» № 60/95-BP of 15 February 1995](#)
2. [Law of Ukraine “On Licensing of Economic Activities Types” № 222-VIII of 02 March 2015](#) (Article 7, paragraph 22)
3. [Resolution of the Cabinet of Ministers of Ukraine “On Approval of the List of Narcotic Drugs, Psychotropic Substances and Precursors” № 770 of 06 May 2000](#)
4. [Resolution of the Cabinet of Ministers of Ukraine “Some Issues on Licensing Economic Activities on Cultivating Plants Included in Table I of the List of Narcotic Drugs, Psychotropic Substances and Precursors, as well as Production, Manufacture, Storage, Transportation, Purchase, Sell \(Release\), Import, Export, Use, Destruction of the Substances from the Specified List” № 282 of 06 April 2016](#) (Paragraphs 16, 33, 34, 37-39, 79)
5. [Resolution of the Cabinet of Ministers of Ukraine “On Approval of the Procedure for Conducting Activities Related to the Traffic of Narcotic Drugs, Psychotropic Substances and Precursors, and the Control over Their Trafficking” №589 of 3 June 2009](#) (Paragraphs 41-43)
6. [Order of the Ministry of Internal Affairs № 52 of 29 January 2018 «On Approval of Requirements to Facilities and Premises for Activities on Trafficking in Narcotic Drugs, Psychotropic Substances and Precursors, as well as to the Storage of Seized these Substances»](#)
7. [Order of the Ministry of Health of Ukraine № 188 of 01 August 2000 “On Approval of Tables of Small, Big and Especially Big Quantities of Narcotic Drugs, Psychotropic Substances, and Precursors that are in Illegal Trafficking”](#)
8. [Criminal Code of Ukraine](#) (Articles 310, 320)

Cannabis: International Legislation

International Conventions ratified by Ukraine:

1. [Single Convention on Narcotic Drugs of 1961](#)
2. [Convention on Psychotropic Substances of 1971](#)
3. [United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988](#)

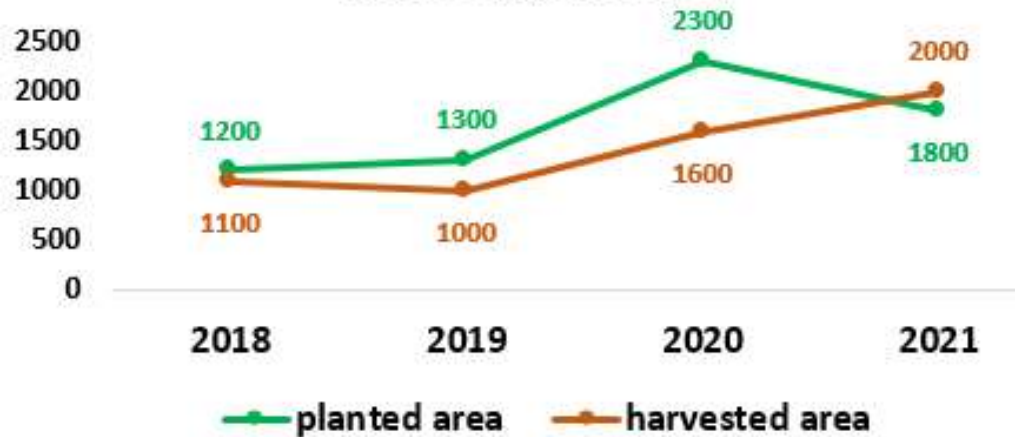
Cannabis Cultivation

	No	Mainly for domestic use	Mainly for export
Hemp seed/oil		✓	
Hemp fiber		✓	
Hemp food products		✓	
CBD medicine	✓		
THC medicine	✓		
Other*		✓	

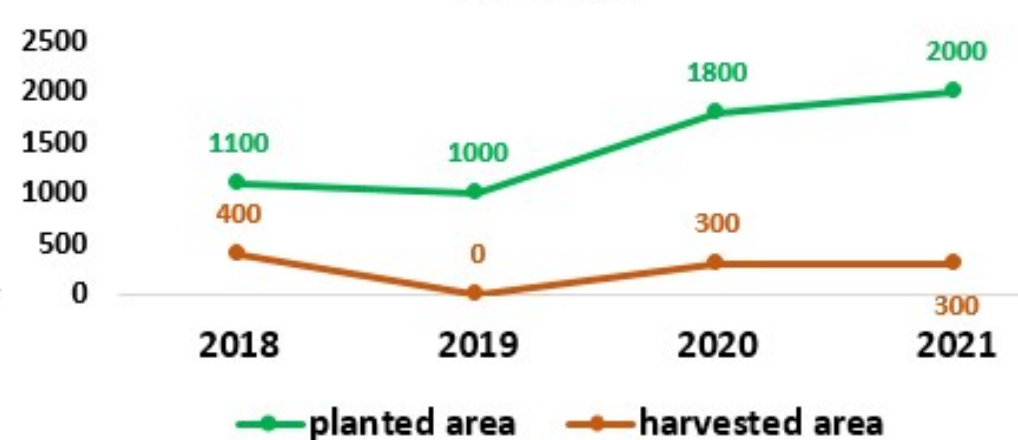
1. The data on hemp fiber and hemp food products is not available to the public according to the requirements of the Law of Ukraine "On the State Statistics" regarding confidentiality of statistical information.
2. Only the enterprises are engaged in hemp cultivation, while the households restrain from this business due to licensing and severe police inspections.
3. According to the Resolution of the Cabinet of Ministers № 770 of 6 May 2000 "On Approval of the List of Narcotic Drugs, Psychotropic Substances and Precursors", the cultivation of cannabis plants for industrial purposes, except for producing and/or manufacturing narcotic drugs and psychotropic substances, is allowed in the case of using seeds that are collected from the hemp varieties, in the dried straw of which the content of tetrahydrocannabinol (THC) does not exceed 0.08 percent.

Hemp: Planting and Harvesting*

Hemp Varieties for seeds: Planting and Harvesting (hectare)



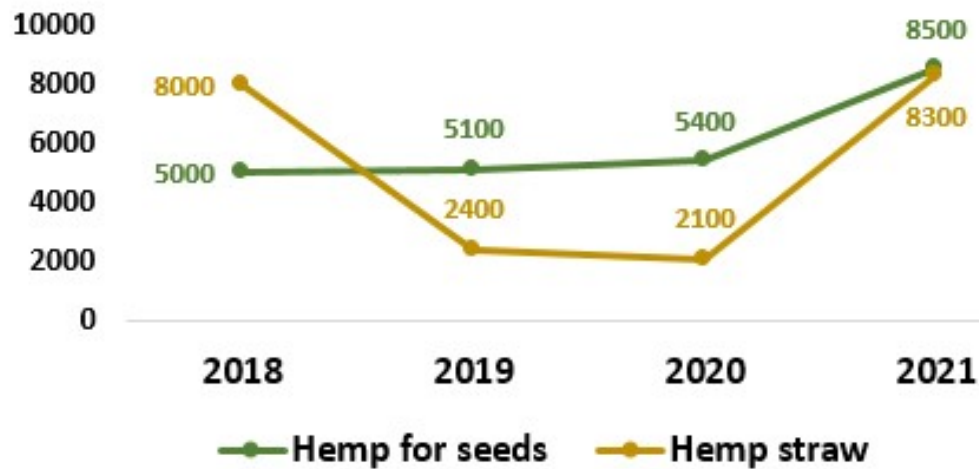
Hemp straw: Planting and Harvesting (hectare)



*Middle Russian and Southern Hemp Varieties

Hemp: Production and Yield

Volume of Production: Hemp and Hemp Straw (centner)



Yield: Hemp and Hemp Straw (centner per hectare)

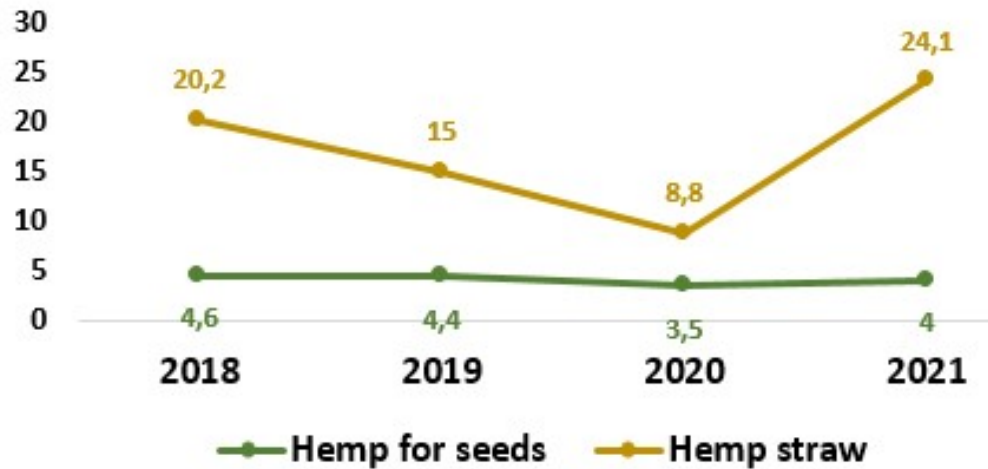


Table of Small, Big and Especially Big Amounts for Cannabis

Substance	Small (g)	Big (g)	Especially big (g)
Cannabis - whole or of any crushing degree of any part of the cannabis plant or their mixture (except for mature seeds), irrespective of whether they were subject to extraction, destruction, rot, or mold damage**	under 5,0	500 to 2500	over 2500
Cannabis resin - a mixture of separated resin, pollen, or certain crushed parts of cannabis plants or their mixture that contains tetrahydrocannabinol*	under 0,5	50,0 to 500,0	over 500,0
Cannabis extracts (elixirs) - a drug obtained from any type or sort of cannabis through the extraction by any means and that contains tetrahydrocannabinol*	under 0,3	5,0 to 100,0	over 100,0

* The mentioned narcotic drugs irrespective of their amounts are qualified as highly dangerous narcotic drugs, which trafficking is prohibited ([Table I list № 1 in the List of narcotic drugs, psychotropic substances, and precursors](#), approved by the Resolution of the Cabinet of Ministers of Ukraine of 06.05.2000 № 770).

** These highly dangerous narcotic drugs are made without specialized (laboratory) equipment from plants, the cultivation of which is allowed for industrial purposes under special permission (license). The quantitation of the mass of these narcotic drugs is carried out in terms of dry substances.

Cannabis: Criminal Liability

Article 310. Planting or cultivation of cannabis

- 1. Illegal planting or cultivation of cannabis in the amount of 10 to 50 plants shall be punishable by a fine of 100 to 500 tax-free minimum incomes, or arrest for a term up to 6 months, or restraint of liberty for a term up to 3 years.
- 2. Repeated illegal planting or cultivation of cannabis or group crime for selling purposes, as well as illegal planting or cultivation of over 50 plants of cannabis, shall be punishable by imprisonment for a term of 3 to 7 years.

Article 320. Violation of rules related to trafficking in drugs, psychotropic substances, their analogues or precursors

- 1. Violation of rules on planting or cultivation of cannabis, and also the violation of rules on production, manufacturing, storage, inventorying, dispensation, distribution, commercial sale, transportation, sending or use shall be punishable by a fine up to 50 tax-free minimum incomes, or restraint of liberty for a term up to 4 years, or imprisonment for a term up to 3 years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to 3 years.
- 2. The same actions, if repeated, or where they resulted in shortage in big amounts, or in stealing, appropriation, extortion by fraud or abuse of office, shall be punishable by a fine up to 70 tax-free minimum incomes, or imprisonment for a term of 3 to 5 years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to 3 years.

Cannabis: For Medical Purposes

Today, the trafficking in cannabinoid-based medications, including for medical purposes is prohibited in Ukraine

Exceptions:

- Dronabinol (delta-9-tetrahydrocannabinol with indications as an appetite stimulant, antiemetic, and sleep apnea reliever). Trade names: Marinol, Syndros, Reduvo and Adversa.
- Nabilone (a synthetic cannabinoid with therapeutic use as an antiemetic and as an adjunct analgesic for neuropathic pain. It mimics tetrahydrocannabinol (THC)). Trade names: Cesamet.
- Nabiximols (a specific cannabis extract with principal active components tetrahydrocannabinol (THC) and cannabidiol (CBD). It is sold as a mouth spray intended to alleviate neuropathic pain, spasticity, overactive bladder, and other symptoms of multiple sclerosis). Trade names: Savitex.

The trafficking in Dronabinol, Nabilone and Nabiximols is allowed only in the form of medications or in the form of substances intended for the production and manufacture of these medications.

Discussions

How likely is it that the legislation on cannabis cultivation will change within the next five years?

- 1) On 25 October 2020, a President's nationwide poll was conducted. One of the questions was "Do you support the cannabis legalization for medical purposes to reduce pain?" 64.88% of respondents voted for the legalization, while 29.53% were against.
- 2) Following to the EU recommendations published in the 3d supplement of the European Commission on 10 June 2020, Ukraine developed the Strategy for State Drug Policy for the period up to 2030. Today, the draft strategy is under the revision for its further passing to the approval by the Cabinet of Ministers of Ukraine.
The objectives of the Strategy are:
 - to reducing the demand for psychoactive substances;
 - to counteract illicit substance trafficking;
 - to improve the situation with human rights, social, healthcare, psychological and economic well-being of the population through promoting a healthy lifestyle and creating opportunities for this, including for children, adolescents and young people;
 - to enhance the availability of narcotic drugs, to provide high-quality healthcare and psycho-social assistance to those in need and to improve the harm reduction programs.
- 3) Today, a draft resolution of the Cabinet of Ministers of Ukraine "On Amendments to the List of Narcotic Drugs, Psychotropic Substances and Precursors, as well as to Paragraph 8 of the Procedure for Purchase, Transportation, Storage, Sell, Use and Destruction of Narcotic Drugs, Psychotropic Substances and Precursors in Healthcare Institutions" is being finalized and targeted at setting up legal mechanisms for the registration, use and control of the medications containing cannabinoids for medical purposes.

Possible changes to laws/policies on

	Government is interested	Other political parties are interested	Media/public is interested
Hemp seed/oil	✓	✓	✓
Hemp fiber	✓	✓	✓
Hemp food products	✓	✓	✓
CBD medicine	✓	✓	✓
THC medicine	✓	✓	✓
Other*	-	-	✓

*Cannabis legalization for personal use

Aspects of laws that are likely to be modified

For medical and scientific purposes:

Based on the results of the analysis of compliance of the medicinal products available on the pharmaceutical market of Ukraine with the needs of society, it was discovered that the State Register of Medicinal Products contains a number of registered pain relief medicines, several medicines for the treatment of Alzheimer's disease, and there are no registered medicines at all for the care of children with relevant health disorders.

According to the international and European medical expertise and practice, the use of cannabinoids to provide treatment to persons in need of pain relief, suffering from Alzheimer's disease, as well as in special cases for children, would be a good solution to these problematic issues.

According to results published in clinical guidelines issued by the American Society of Clinical Oncology, the cannabinoids, the raw material of which is a hemp plant variety, are used in the treatment of pain insensitive to other non-opioid analgesics. In addition, the effectiveness of cannabinoids in the treatment of neuropathic pain was noted in a clinical protocol for the treatment of neuropathic pain, drafted by the Canadian Pain Society and the European Academy of Neurology.

Ukraine can join the scientific research, taking into account the advances of international experts in studying the use of cannabis and cannabinoids for medical and scientific purposes, as well as if there is evidence-proven data on the safety, effectiveness, and rationality of using these medications, as well as the information indicating that these medications do not create any preconditions for their abuse and/or addiction.