

Cannabis and Poppy: Illicit Cultivation Aspects

Ukraine 2023

Cannabis and poppy: 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](#)
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)
9. [Code of Ukraine on Administrative Offences](#) (Article 106-2)

Criminal liability for illicit cultivation of cannabis and poppy

Cannabis and Poppy Cultivation: Criminal Liability

Article 310. Planting or cultivation of opium poppy and cannabis

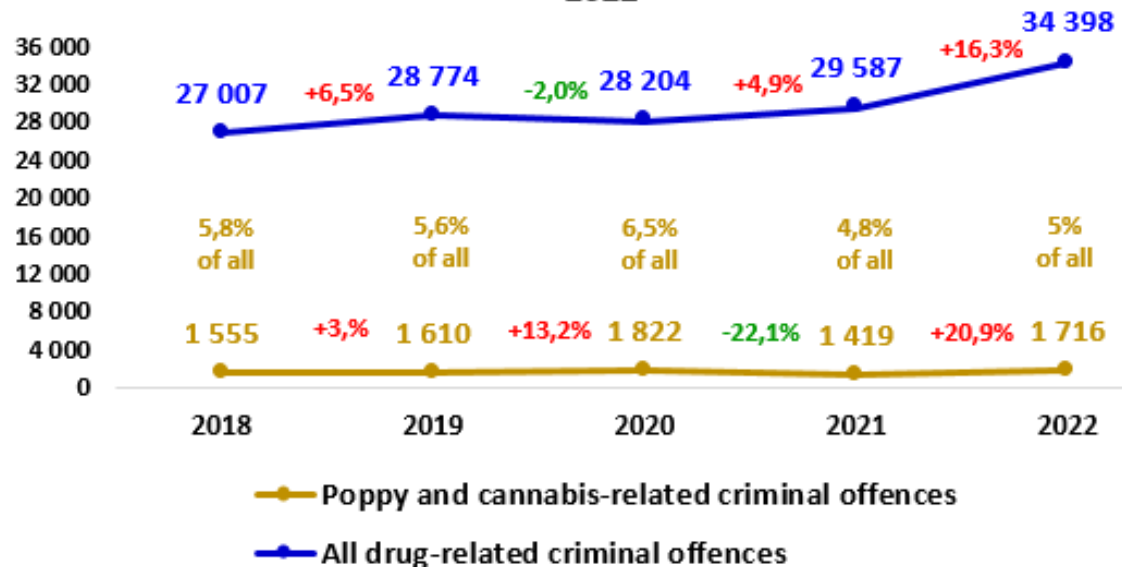
- 1. Illegal planting or cultivation of cannabis in the amount of 10 to 50 plants, and opium poppy in the amount of 100 to 500 plants shall be punishable by a fine of 100 to 500 tax-free minimum incomes, or arrest for a term up to 6 months, or restraint of liberty for a term up to 3 years.
- 2. Repeated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

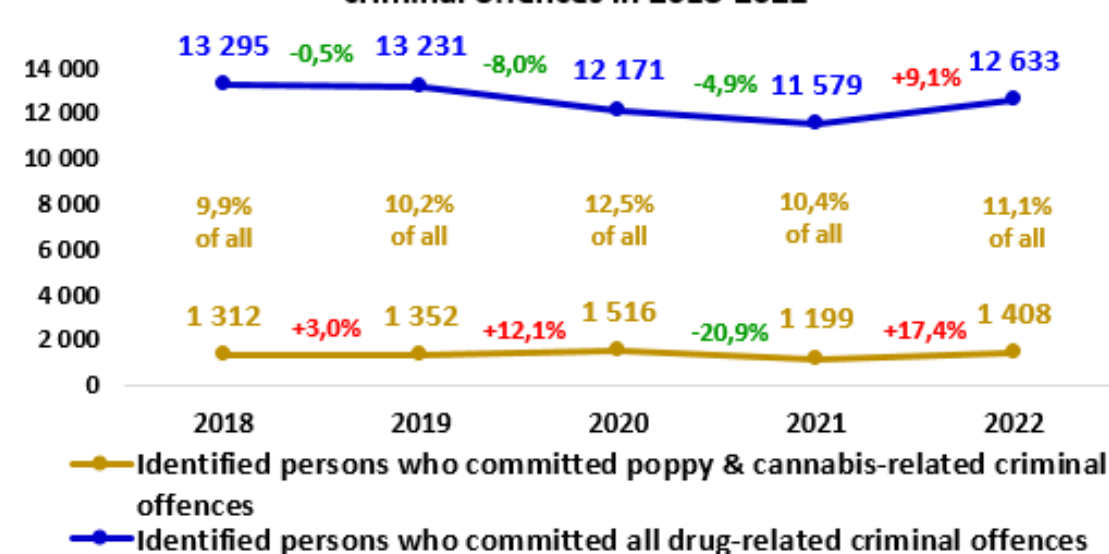
- 1. Violation of rules on planting or cultivation of cannabis or opium poppy, and also the violation of rules on production, manufacturing, storage, inventorying, dispensation, distribution, commercial sale, transportation, sending or use shall be punishable by a fine up to 70 tax-free minimum incomes, 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 of 70 to 120 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.

Criminal offences related to cannabis and opium poppy illicit cultivation

Number of registered drug-related criminal offences in 2018-2022



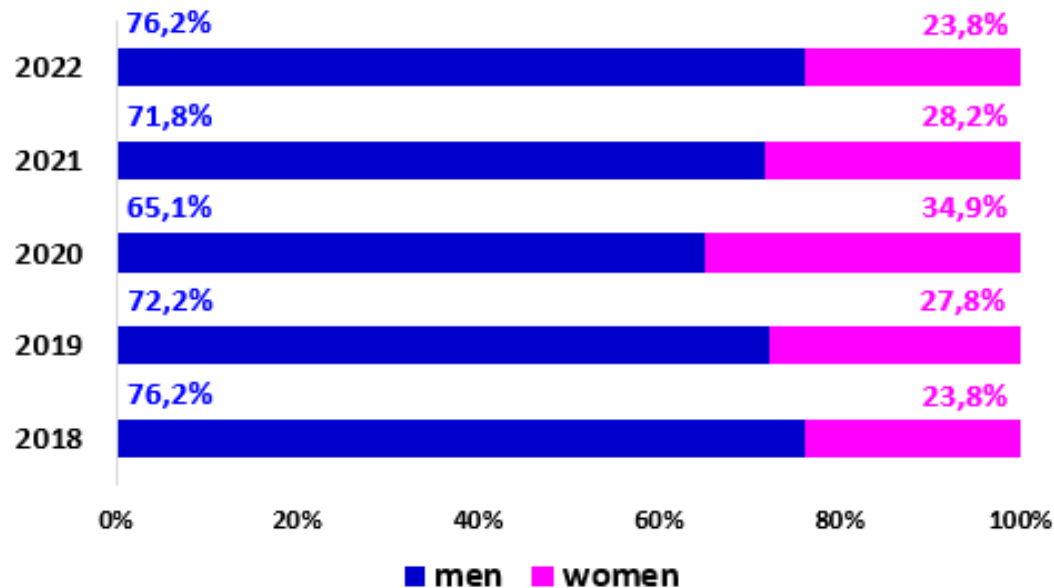
Number of identified persons who committed drug-related criminal offences in 2018-2022



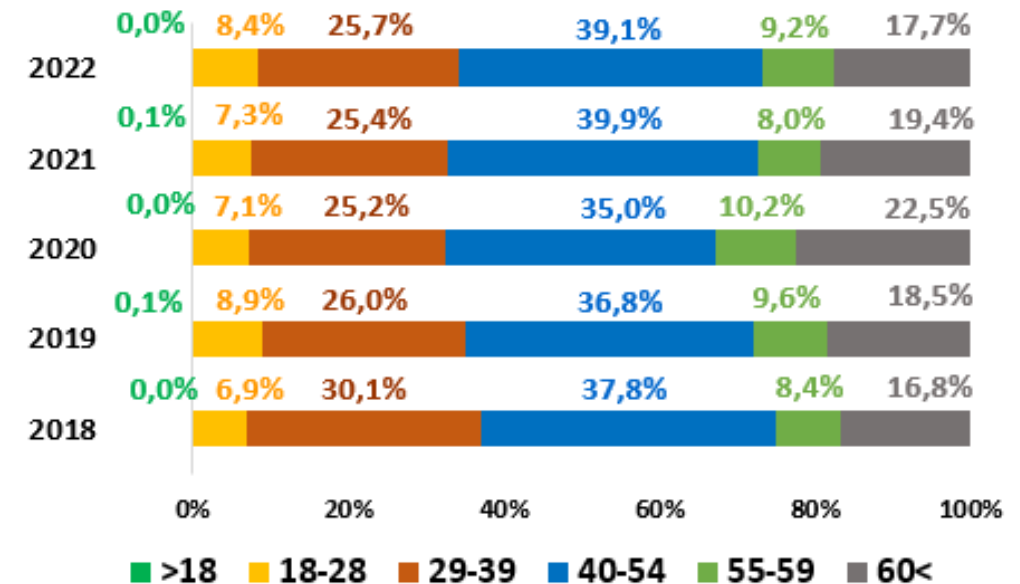
- Important decrease in number of poppy and cannabis-related offences in 2021 (by 22,1%), followed by increase in their number by 20,9% in 2022. Respectively, the same trend is observed for the number of identified individuals who committed the above offences.
- Average proportion of poppy & cannabis-related offences for 2018-2022 is 5,5% of all drug-related criminal offences, and the average proportion of identified individuals who committed poppy & cannabis-related offences is 10,8%.

Identified individuals who committed criminal offences related to cannabis and opium poppy illicit cultivation

Proportion of identified persons who committed poppy & cannabis-related criminal offences, by gender



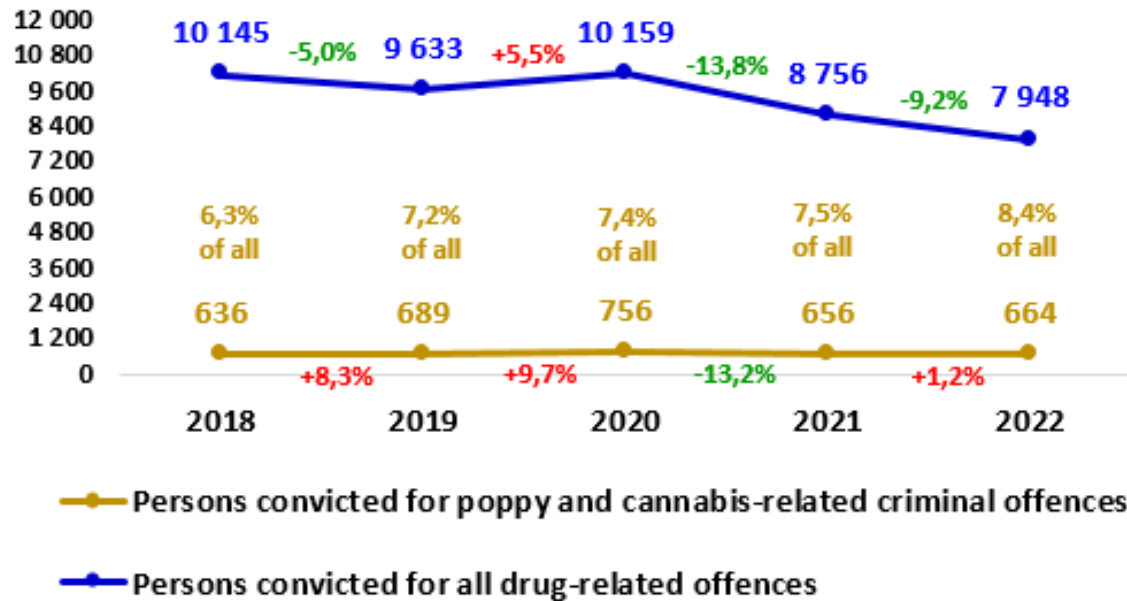
Proportion of identified persons who committed poppy & cannabis-related criminal offences, by age



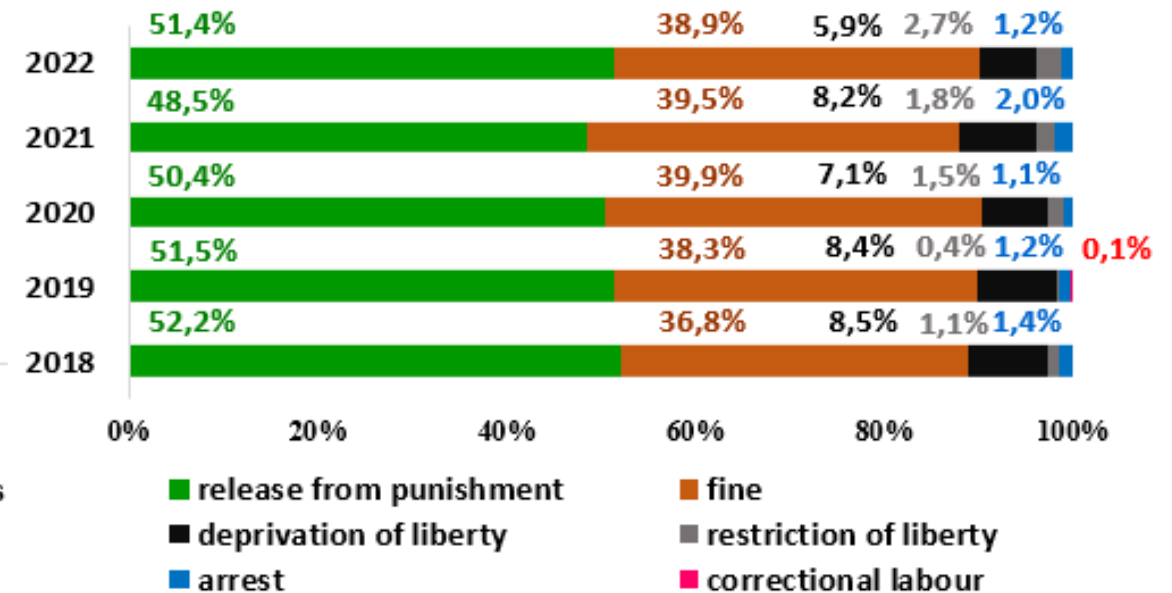
- The largest proportion of identified individuals who committed poppy & cannabis-related offences refers to men with the average value of 72,3% for 2018-2022.
- The proportions of identified individuals who committed poppy & cannabis-related offences from age groups 40-45 y.o. and 29-39 y.o. are the largest ones, averaging 37,7% and 26,5% respectively for 2018-2022.

Individuals prosecuted for poppy and cannabis-related criminal offenses

Number of persons, convicted for drug-related criminal offences in 2018-2022



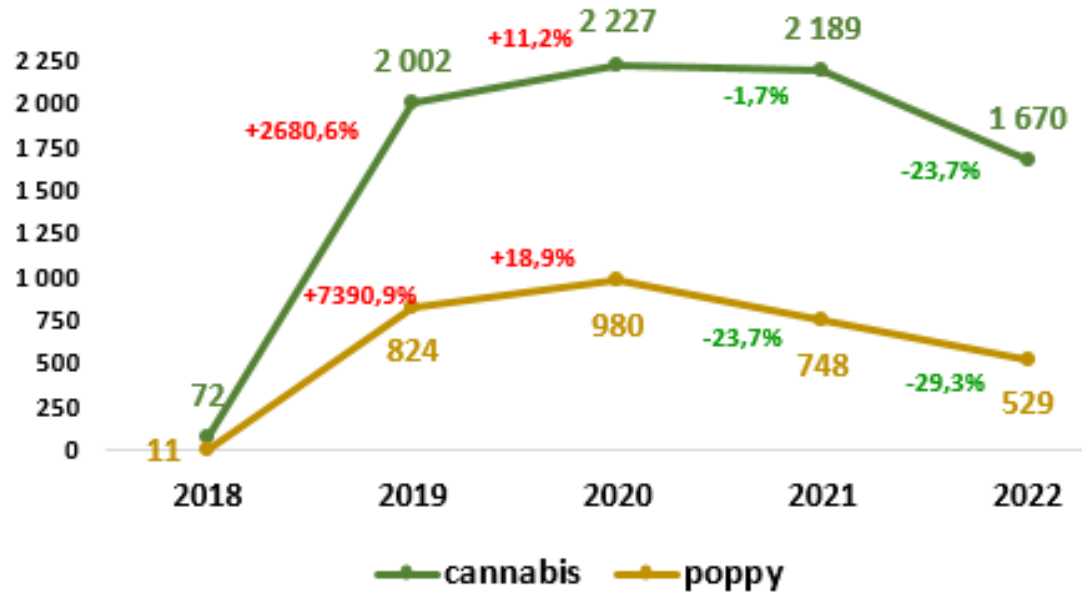
Proportion of persons convicted for poppy & cannabis-related criminal offences, by type of punishment



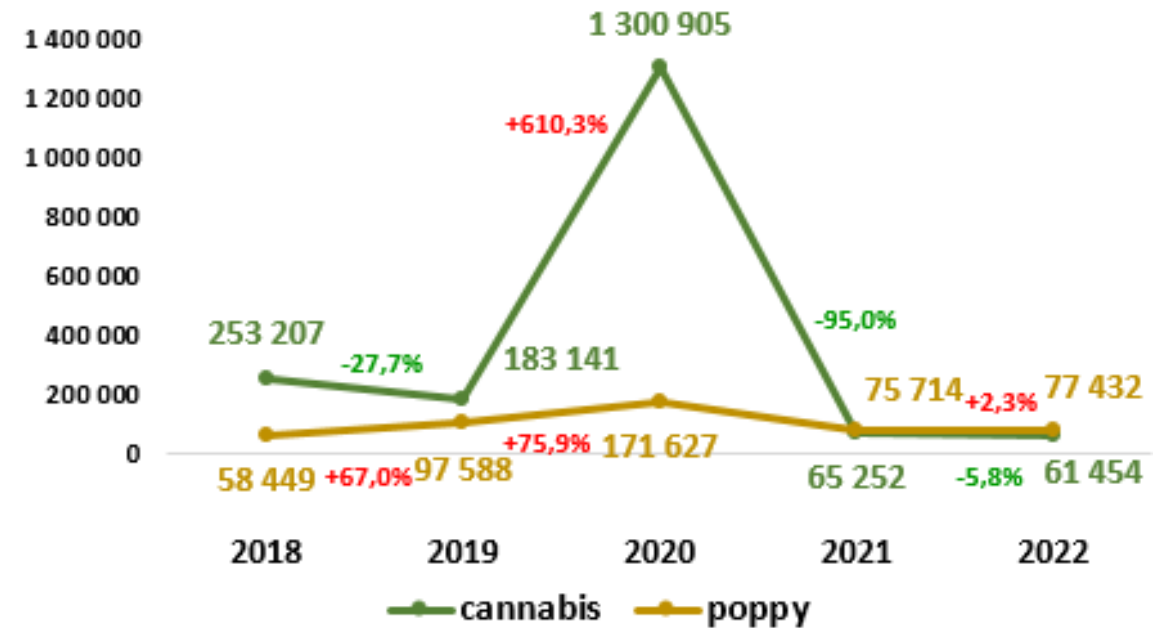
- Significant dropdown in number of persons convicted for poppy & cannabis-related criminal offences in 2021 (by 13,2% YoY) along with annual increase in the share of people convicted for poppy & cannabis-related offences among all drug-related offences (from 6,3% in 2018 to 8,4% in 2022).
- The two most common verdicts are release from punishment and a fine averaging 50,8% and 38,7% respectively for 2018-2022.

Illicit cultivation of cannabis and opium poppy

Number of liquidated sites of poppy & cannabis illicit cultivation in 2018-2022



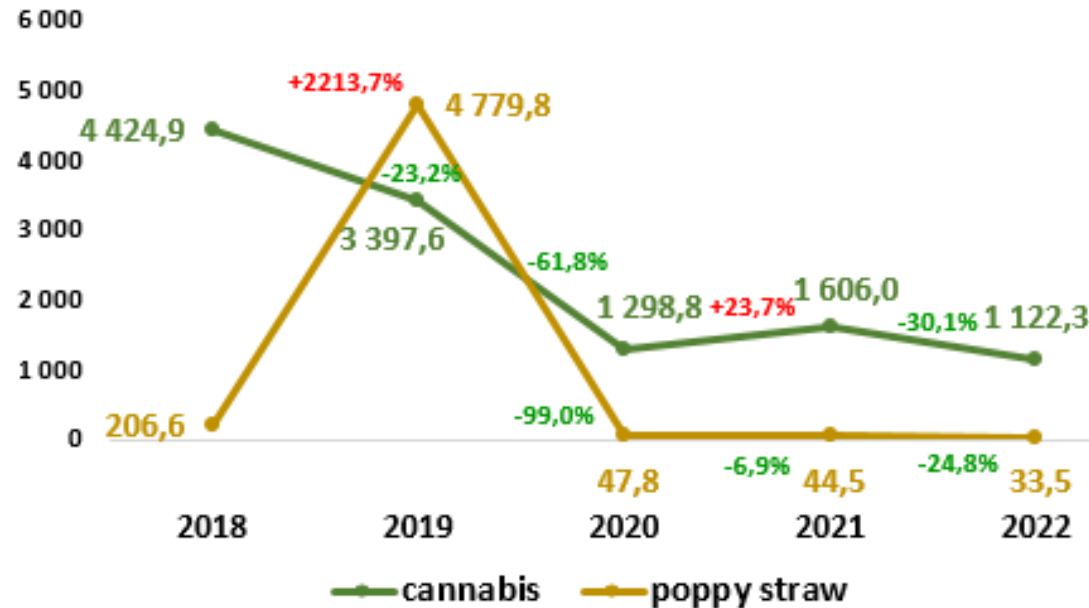
Number of poppy & cannabis plants seized on initiated criminal proceedings in 2018-2022



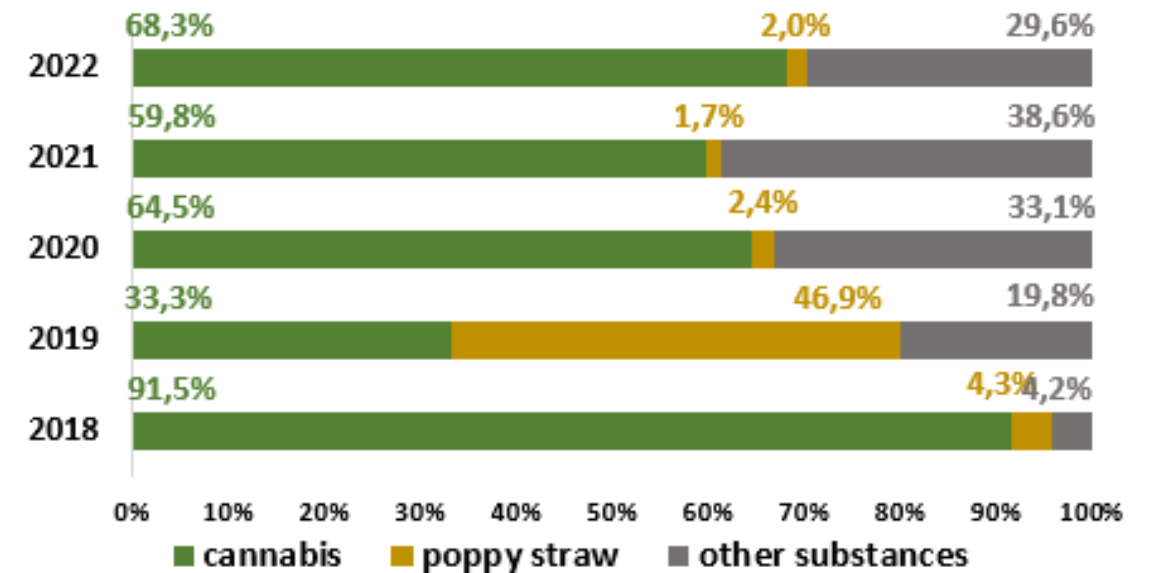
- 2020 was a record year for the number of liquidated sites of poppy and cannabis cultivation and seized plants regarding both substances.
- For two consecutive years (2021 and 2022) the number of liquidated sites of poppy and cannabis cultivation is going down after the tremendous growth in 2019 and 2020.

Seizures of cannabis and poppy straw

Volume of seizures of cannabis & poppy straw on initiated criminal proceedings in 2018-2022 (kilograms)



Proportion of seized quantities of cannabis & poppy straw in the structure of all seized substances on initiated criminal proceedings in 2018-2022



- The volume of seized cannabis has almost four times decreased: from 4424,9 kg in 2018 to 1122,3 kg in 2022, while the average annual volume of seized poppy straw over the past 3 years is 42.0 kg.
- With the exception of an abnormal 2019 year, cannabis accounts for the largest share of seized substances averaging 63,5% in 2018-2022.

Administrative liability for illicit cultivation of cannabis and opium poppy

Table of small, big and especially big quantities

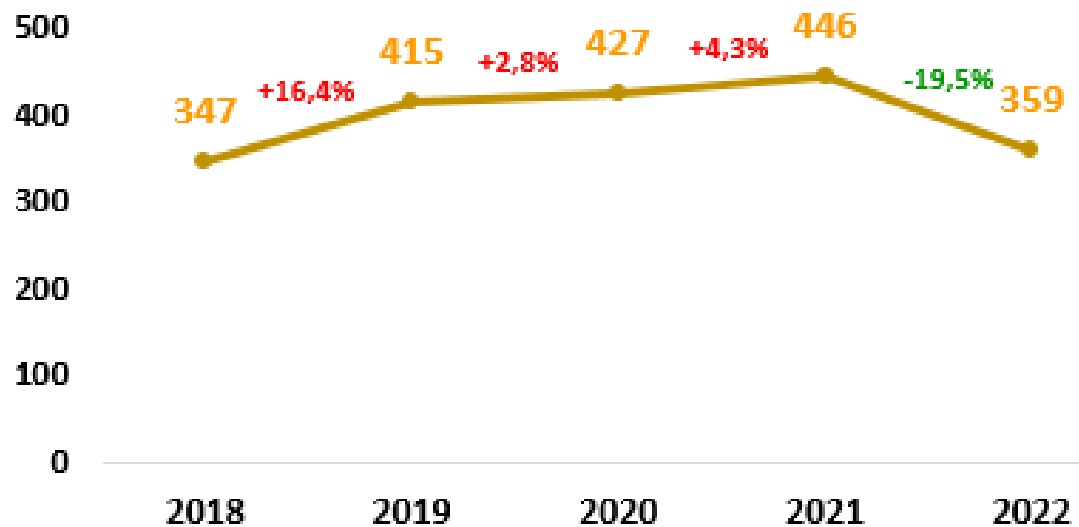
Substance	Small (g)	Big (g)	Especially big (g)
Cannabis herbal	under 5,0	500 to 2500	over 2500
Cannabis resin	under 0,5	50,0 to 500,0	over 500,0
Cannabis extracts (elixirs)	under 0,3	5,0 to 100,0	over 100,0
Poppy straw	under 50,0	500,0 to 5000,0	over 5000,0
Concentrated poppy straw (opium extract)	under 0,5	50,0 to 250,0	over 250,0

* The 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](#)).

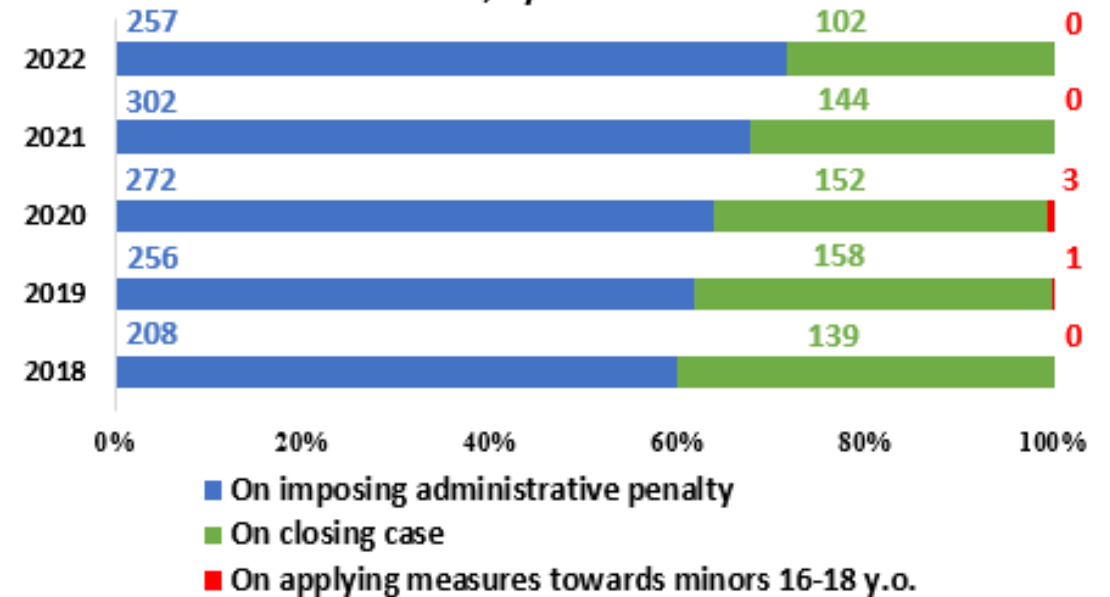
** These highly dangerous narcotic drugs are made without specialized (laboratory) equipment from plants, the cultivation of which is allowed for industrial purposes under special permission (license). The quantitation of the mass of these narcotic drugs is carried out in terms of dry substances.

Cannabis and poppy illicit cultivation: administrative liability*

Number of judged administrative cases on Illicit cultivation of poppy and cannabis in 2018-2022



Number of persons who got their cases on poppy and cannabis cultivation administrative offences judged in 2018-2022, by court decision

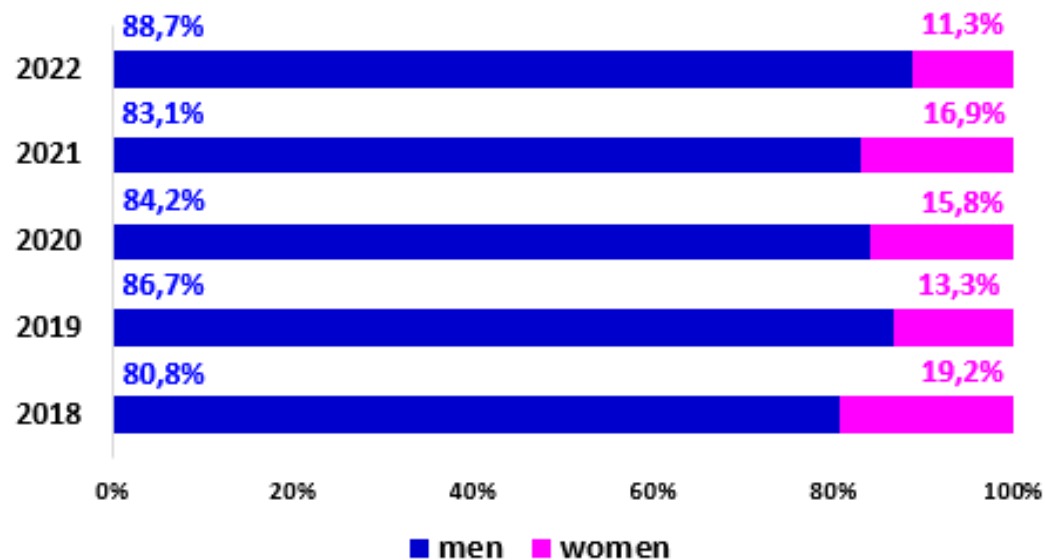


*Article 106-2 of [Code of Ukraine on Administrative Offences](#) (CUAO): Illicit planting or cultivation of opium poppy and cannabis. Penalty: fine of 18 to 100 tax-free minimum incomes (UAH 17,00) and seizure of plants.

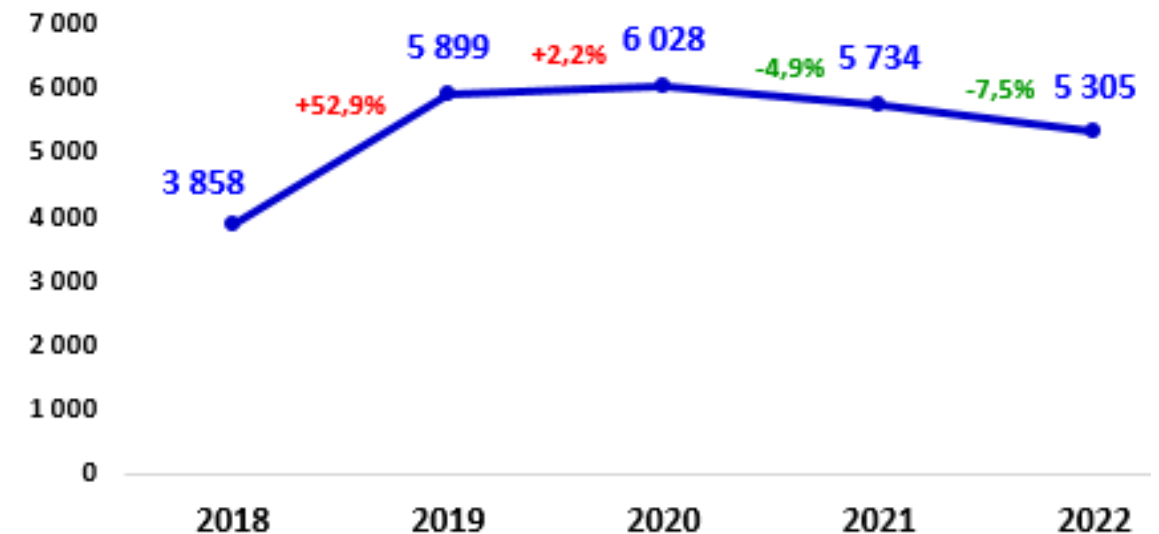
- The number of judged cases after 3 consecutive years of growth decreased by 19,5% in 2022 due to the ongoing war in Ukraine provoked by the russian federation.

Cannabis and poppy illicit cultivation: administrative liability

Proportion of persons charged with administrative penalties for illicit poppy and cannabis cultivation administrative offences in 2018-2022, by gender



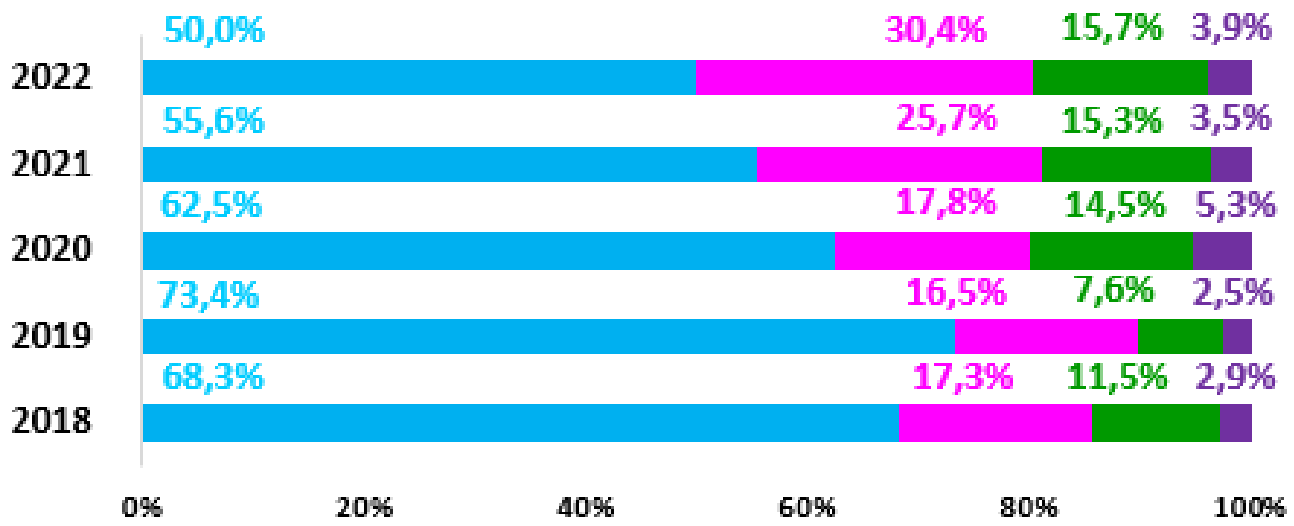
Total amount of fine imposed by court on illicit poppy and cannabis cultivation administrative offences (EUR)



- Men are far ahead of women in the number of administrative offences related to the illicit cultivation of cannabis & poppy, averaging 84,7% of persons charged with administrative penalties for illicit poppy & cannabis cultivation.
- The average fine imposed by court for these offences was 20,6 EUR.

Cannabis and poppy illicit cultivation: administrative liability

Proportion of persons in respect of whom the court decided to close the case in 2018-2022, by reason



- expired period of imposing administrative penalty
- absence of the event of administrative offence
- release of administrative liability due to minor violation
- Other reason

- There were three most common reasons for court's closing the case with 'expired period of imposing administrative penalty' leading the way and averaging 62,0% in 2018-2022.
- There is a trend towards a year-over-year decrease in the proportion of cases closed due to expired period of imposing administrative penalty and an increase in the proportion of cases closed due to absence of the event of administrative offence.

Findings

- Ukraine has strict laws against the cultivation, circulation and use of cannabis and poppy plants, as far as they contain controlled substances, including cannabinoids in the case of cannabis and opiates in the case of poppy plants. However, the Parliament of Ukraine has passed the first reading of draft law No. 7457 on the legalization of medical cannabis. This is essential in improving patients' access to cannabis-based medicines that can help with several diseases and conditions.
- Important decrease in number of poppy and cannabis-related criminal offences in 2021 (by 22,1%) was followed by increase in their number by 20,9% in 2022. Respectively, the same trend is observed for the number of identified individuals who committed the above offences.
- Average proportion of poppy & cannabis-related offences for 2018-2022 is 5,5% of all drug-related criminal offences, and the average proportion of identified individuals who committed poppy & cannabis-related offences is 10,8%.
- Men are far ahead of women in the number of both criminal and administrative offences related to the illicit cultivation of cannabis and poppy, averaging 84,7% for administrative cases and 72,3% for criminal cases in 2018-2022.
- 2020 was a record year for the number of liquidated sites of poppy and cannabis cultivation and seized plants regarding both substances. For two consecutive years (2021 and 2022) the number of liquidated sites of poppy and cannabis cultivation is going down after the tremendous growth in 2019 and 2020.
- The volume of seized cannabis has almost four times decreased: from 4424,9 kg in 2018 to 1122,3 kg in 2022, while the average annual volume of seized poppy straw over the past 3 years is 41.9 kg.