



MEDICAL CANNABIS IN BULGARIA

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RELEVANCE

In the last few months, national media has been increasingly discussing the topic of cannabis cultivation for medical purposes in Bulgaria. One of the reasons for the growing interest is that reportedly, certain companies have already obtained a license for the cultivation and processing of cannabis for medical use in Bulgaria.

CANNABIS IN THE EU

Cultivation and use of cannabis for medical purposes are currently not regulated at EU level. Member states are granted autonomy to decide whether and under what conditions cultivation of medical marijuana can be allowed. In this context, EU members vary significantly in their approach. Some only authorize the registration of medications containing cannabis-extracted substances, while others also consent to the cultivation and processing of cannabis for medicinal purposes.

However, actions are being taken towards a unified European position on the matter as the European Parliament adopted **Resolution of 13 February 2019 on use of cannabis for medicinal purposes (2018/2775(RSP))**. It calls on the Commission and national authorities to work together towards a legal definition of medical cannabis and a clear distinction between cannabis for medicinal purposes and for any other use. MPs insist on an increased financing of medical research of cannabis, as well as on cannabis-based medicines being covered by public healthcare.

The present article solely focuses on the conditions for cannabis cultivation according to the applicable legislation of the Republic of Bulgaria.

DEFINITION

Cannabis or **hemp** is a notion used to describe a genus of plants, which covers a range of plant varieties, some of which could be used for the extraction of **marijuana**. The term **cannabinoids** refers to chemical substances in the composition of marijuana, which have an influence on the human psyche. The most important identified cannabinoid is **delta-9-tetrahydrocannabinol (THC)**, whose content in marijuana varies from 0,2 % to 21%. Other cannabinoids with a significant effect on the human mind are **cannabidiol (CBD)** and **cannabidiol (CBN)**. Hemp varieties with cannabinoid content of less than 0,2% are qualified as industrial and therefore, unsuitable for the extraction of marijuana. Hence, when developing cannabis plantations for medical marijuana growth, the market potential of the final product is also taken into account – whether it could be sold on the local market or whether it should only be used for export to other countries.



LEGAL REGIME OF CANNABIS IN BULGARIA

The legal status of cannabis in Bulgaria is regulated by the **Narcotic Substances and Precursors Control Act**. It should be noted that the regulation on cannabis is as strict as it is regarding other high-risk substances – like opium poppy, coca bush.

The general principle prescribed by the law is that the cultivation of opium poppy, coca bush, and plants of the genus of hemp is **forbidden**. What is more, owners or holders of land for agricultural or other use, are explicitly obliged by the law to monitor for the potential growth of such plants and to ensure that they are being rapidly disposed of.

LEGAL REGIME OF CANNABIS IN BULGARIA

The law classifies narcotic substances and plants according to the threat they pose to the health and life of humans (and animals).

<u>Schedule I</u>	<u>Schedule II</u>	<u>Schedule III</u>
Plants and substances presenting high risk to public health due to the harmful effect of abuse thereof, which are prohibited for use in human and veterinary medicine Cannabis and marijuana are listed here.	Substances presenting a high risk, which are in use in human and veterinary medicine	Risk substances

The classification of marijuana/cannabis within Schedule I means that their use in medical products is prohibited. Furthermore, the applicable legislation also prohibits the production, processing, trading, storage, import, export, re-export, transit, transfer, transport, supply, acquisition, use, and possession of the plants, narcotic substances and preparations thereof listed in Schedule I.

HOW CAN THE STATUS OF CANNABIS/MARIJUANA IN BULGARIA BE CHANGED?

History recognizes a number of cases where risk substances, previously treated as hazardous for the general population, at a later stage enter human medicine and vice versa.

Procedure

The applicable regulations acknowledge the possibility that scientific research may lead to new results. Hence, the Regulation for the classification of plants provides a specific procedure, whereby the classification of a certain plant or substance can be modified, together with the rules concerning its use. Such changes could be made in several directions – exclusion of a certain plant from the lists of narcotic substances, the inclusion of a new plant/substance in these lists or the reclassification of plants from one list to another.

Proposals for modifications of the lists are addressed to the **Chairman of the National Narcotic Substances Council**. The latter assigns to an **expert commission** the elaboration of a reasoned opinion on each and every one of the proposals received. It is possible that the necessity for inclusion, exclusion or reclassification of a plant or substance from the lists derives from obligations of Bulgaria under an international treaty. In this case, the procedure is identical and also requires an opinion from the expert commission.



HOW CAN THE STATUS OF CANNABIS/MARIJUANA IN BULGARIA BE CHANGED?

For a substance to be enlisted in the narcotic substances schedules it should fulfill one of the following criteria:

- ✓ to have a proven psychoactive effect
- ✓ to be capable of causing dependency
- ✓ to have harmful effects similar to those caused by narcotic and psychotropic substances
- ✓ to be prone to transformation into a narcotic or a psychotropic substance
- ✓ the existence of evidence of its misuse in another country
- ✓ to be placed under scrutiny in another country

HOW CAN THE STATUS OF CANNABIS/MARIJUANA IN BULGARIA BE CHANGED?

The above-mentioned criteria indicate that cannabis cannot be entirely excluded from the list of narcotic substances but there are no obstacles as for its reclassification from Schedule I to Schedule II. Such reclassification could enable the use of cannabis in human or veterinary medicine but would not in itself allow the cultivation of cannabis (containing more than 0,2 weight percent of THC).

In fact, the key ingredient in cannabis, used in the development of medical products, is precisely **THC**. Therefore, an amendment is required in the **Narcotic Substances and Precursors Control Act**, which currently contains an explicit prohibition, as well as in other regulatory documents.

However, what is even more important, is that a public discussion of the concept of medical marijuana be held prior to the enactment of any amendments. Only then, experts familiar with the local and EU legislation, as well as with the established global practices, should prepare the necessary legal modifications.

UNDER WHAT CONDITIONS CAN CANNABIS BE CULTIVATED IN BULGARIA AT PRESENT?

The principle, as mentioned above, is that growing cannabis on the territory of the Republic of Bulgaria is **prohibited**. However, there is one exception to this rule – when the cultivated hemp (cannabis) plants are intended for fibre, seeds for animal feed and sowing. This exception can only be made in case the plants contain less than 0,2 weight percent of **THC**.

Even though it is allowed, cultivating cannabis under the above-mentioned conditions is not free of restrictions – it is under supervision of the **State Agency for National Security**. Accordingly, persons, who cultivate cannabis intended for fibre, seeds for animal feed and sowing, must obtain a **license** for these activities. The issued licenses are recorded in a non-public register.

UNDER WHAT CONDITIONS CAN CANNABIS BE CULTIVATED IN BULGARIA AT PRESENT?

In March 2018, **Ordinance №1** was adopted on the conditions and order of issuing a license for the cultivation of plants belonging to the hemp (cannabis) genus, intended for fibre, seeds for animal feed and sowing and containing less than 0,2 weight percent of THC for trade and control. **Ordinance №3** was also adopted with the purpose of regulating the conditions and order for the issuance of license for import of hempseeds not intended for sowing.

The issuance of these two Ordinances by the Ministry of Agriculture, Food, and Forestry has made the regulatory status of these activities clearer. Nevertheless, it should be noted that **strict regulations** are applied even with regard to the cultivation and the realization of the products thereof of plants belonging to the cannabis genus, that contain **less than 0,2** weight percent of **THC** and that do not affect the human psyche.

Lastly, it is worth mentioning that the **Narcotic Substances and Precursors Control Act** provides for the possibility to issue licenses to both natural and legal persons for the production, processing, trading, storage, import, export, re-export, transit, transfer, transport, supply, acquisition, use, and possession of the plants, narcotic substances and preparations thereof listed in **Schedule I** for medical, scientific or laboratory research, for educational purposes, as well as for the maintenance of the work condition of dogs uncovering narcotic substances. A regulation sets the maximum quantities of narcotic substances allowed under this provision and currently the maximum quantity allowed for hemp and marijuana is set at 30 000 grams.

CONCLUSION

The comparative analysis of the relevant legislation in other EU countries indicates the necessity to reform the national legislation in the field. The purpose of such reform would be to elaborate a set of contemporary rules regarding the production, processing, trading, storage, import, export, re-export, transit, transfer, transport, supply, acquisition, use, and possession of plants from the hemp genus.

Experience of certain neighboring countries shows that the adequate sector regulation brings considerable new business opportunities. Surely, the issue of the status of cannabis as a medicine and as a narcotic substance should be subjected to a thorough public discussion preceding any potential legislative amendments. Public opinion should play a key role in this process and a balance needs to be sought between society's fears and the desire for unlocking new business niches.

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