

**ORDINANCE**

From the Ministry of Food, Agriculture and Livestock:

**ORDINANCE CONCERNING CANNABIS CULTIVATION AND ITS CONTROL****CHAPTER ONE****Purpose, Extent, Basis and Definitions****Purpose**

**ARTICLE 1** – (1) The purpose of this Ordinance is to regulate the methods and standards concerning the procedures on authorized cannabis cultivation and unauthorized cannabis cultivation in order to prevent the production of cannabis-related narcotics.

**Extent**

**ARTICLE 2** – (1) This Ordinance covers the provisions regarding the determination of cities and districts to be permitted for cannabis cultivation, issuing of the cultivation permits, the procedures to be applied for authorized and unauthorized cannabis cultivation and the necessary inspections and the qualifications of the personnel to be delegated in the inspections.

**Basis**

**ARTICLE 3** – (1) This Ordinance is prepared on the basis of Article 28 of the Executive Order Concerning the Organization and Duties of the Ministry of Food, Agriculture and Livestock, issued on 6/3/2011 by the number 639 and the Article 23 of the Narcotics Inspection Law issued on 6/12/1933 by the number 2313.

**Definitions**

**ARTICLE 4** – (1) The following are the definitions of the terms used in this Ordinance:

- a) Ministry: The Ministry of Food, Agriculture and Livestock.
- b) Farmer: Natural or legal persons cultivating cannabis, who are registered in ÇKS.
- c) Farmer Registration System (ÇKS): The database where identity, cultivation site, product information of the farmers as well as the information on agricultural subsidies are recorded, which was activated by the Farmer Registration System Ordinance published in the issue 29012 of the Official Journal on 5/27/2014.
- d) Provincial directorate: The provincial directorate of the Ministry of Food, Agriculture and Livestock.
- e) District directorate: The district directorate of the Ministry of Food, Agriculture and Livestock.
- f) Cannabis: In addition to cultivation for fiber, seed, stem and similar purposes, all other species and subspecies of cannabis which is also locally named as hemp, Indian hemp, “çedene” or “çetene”, from whose different organs marijuana can be derived exclusively.
- g) Cannabis cultivation: All agricultural practices carried out from the germination of cannabis seeds or reproduction of vegetative parts to the harvest.
- h) Fiber: The botanical material derived from cannabis stems and used for various purposes.
- i) Technical personnel: The agricultural engineer employed in the provincial or district directorate of the Ministry or the agricultural technician if no agricultural engineers are employed.
- j) Seed: The plant organ which yields from cannabis cultivation and may be used as human and animal food.
- k) Parts saved for planting: Any vegetative plant parts to be used for cannabis reproduction such as seeds and young plants.
- l) Production period: The period between the cultivation and harvest of the cannabis plant in the calendar year.

**CHAPTER TWO****Provisions Concerning Cultivation****Areas available for cultivation permits**

**ARTICLE 5** – (1) Authorized cannabis cultivation is allowed in the cities of Amasya, Antalya, Bartın, Burdur, Çorum, İzmir, Karabük, Kastamonu, Kayseri, Kütahya, Malatya, Ordu, Rize, Samsun, Sinop, Tokat, Uşak, Yozgat and Zonguldak, as well as in all districts of these cities.

(2) Cannabis cultivation is forbidden in all the cities and districts that are not mentioned in the first clause. However, cultivation of cannabis in the areas which are not included in the first clause, as the main or secondary plant for scientific research purposes may be permitted by the Ministry, as long as they conform to the provisions stated within the framework of this Ordinance.

**Development and abolishment of cultivation areas in case of need**

**ARTICLE 6** – (1) It is under the Ministry’s authority to decrease or increase the number of cultivation areas in

case of need. Within this scope, the Ministry may develop new cultivation areas as well as abolishing the already existing ones.

#### **Application for cultivation permit**

**ARTICLE 7 – (1)** Farmers who wish to practice authorized cannabis cultivation for fibers, seeds, stems and similar purposes shall apply to the highest local authority where the designated cultivation site is, between January 1 and April 1 with the following documents:

- a) Application form, in correspondance with the template provided in Appendix-1, stating the farmer's intentions concerning cannabis cultivation,
- b) Covenant (as provided in Appendix-2) stating that the farmer has never committed such crimes as unauthorized cannabis cultivation, production, distribution, trading or narcotic consumption narcotics before and that s/he would act in conformity with the provisions of this Ordinance after receiving the cultivation permit,
- c) The ÇKS document for the cultivation year,
- d) An outline showing the total acreage and lot/plot number of the cultivation site or expedition report in accordance with ÇKS for areas that are not within the cadastral system,
- e) Identity register copy.

(2) Universities, research institutues of the Ministry and institutions that are authorized for research, those who wish to cultivate cannabis as the main or secondary plant for scientific studies shall apply to the highest local authority of the city where they will cultivate cannabis with the following documents and without any limitations as to the dates specified in the first clause:

- a) Written application from the executive of the institution willing to carry out a scientific research,
- b) A detailed project document stating the purpose, materials and methods and the duration of the research,
- c) An outline of the cultivation site with the total acreage included, as well as the lot/plot number if available,
- d) An approved list of the research team and identity register copies of each person,
- e) Covenant (as provided in Appendix-2) stating that none of the people in the research team has ever committed such crimes as unauthorized cannabis cultivation, production, distribution, trading or narcotic consumption before and that they would act in conformity with the provisions of this Ordinance after receiving the cultivation permit.

#### **Cultivation permit and cancellation**

**ARTICLE 8 – (1)** The applications for cannabis cultivation permit shall be recorded. Provincial or district directorate shall evaluate the applicatons they receive in conformity with the provisions of this Ordinance as follows. Provincial or district directorate:

- a) Requests information from the Public Prosecution Office to find out if the applicants have committed any of the crimes written in the Article 23 of the the law no. 2313 and the Articles 188 thru 192 and 297 of the Turkish Penal Code law no. 5237, dated 9/26/2004.
- b) Makes an expedition to the desired cultivation site in deference to the documents submitted in the application and makes an official cannabis cultivation field control report as sampled in Appendix-3 for this first expedition.
- c) Takes into consideration the location of the cultivation site, the distance from the cultivation site to the nearest residential area and the main roads, the topographical conditions of the site and the feasibility of the cultivation site to be effectively inspected in terms of personnel and equipment capacity.

(2) The applications submitted with the intention of cultivating cannabis in areas stated in the first clause of Article 5 shall be evaluated by the provincial or district directorates within the framework of the provisions of the first clause and the applications that are approved are given a cultivation permit as sampled in Appendix-4/A upon the submission of the provincial or district directorate and the approval of the highest local authority in the area. And for the approved applications submitted for cannabis cultivation permit with the purpose of a scientific research, a cultivation permit for scientific research purposes as sampled in Appendix-4/B is given upon the submission of the provincial or district directorate and the approval of the highest local authority in the area.

(3) Cultivation permits for the purposes of fiber, seed and stem production and for similar purposes are valid for a maximum of one production period and in the applications submitted for scientific studies, the cultivation permits are valid for a maximum of three years depending on the project implementation duration.

(4) In cannabis cultivation for the purpose of scientific research, if any changes occur in the purpose of the research, in the materials and methods to be used, in the duration of the project and in the project team, the highest local authority in the city where the cultivation is being carried out shall be noticed about these changes and the relevant justifications by the institution carrying out the research within ten business days. In case of any changes in the purpose of the research, in the materials and methods to be used and in the duration, the cultivation permit is renewed upon the submission of provincial or district directorate and the approval of the highest local authority in the area, within the provisions of this Article. In case of any changes in the project team, the covenant as sampled in Appendix-2 is renewed with the information and documents concerning the project team.

(5) The applications to be submitted for cultivation permits shall be resulted within one month following the submission of the application to the provincial or district directorates. However, in cases where the opinion of the

Ministry is called upon, this term can be protracted up to three months.

(6) Applications that are not approved shall be notified in written form to whom it may concern with the relevant justifications. Objections to these verdicts shall be submitted to the higher authority within the five business days following the day the verdict is declared to those who are concerned. Higher authority is the provincial directorate for the applications submitted to the district directorate and the Ministry for the applications submitted to the provincial directorate. Objections shall be concluded within fifteen business days and submitted to those who are concerned in written form. Verdicts made upon objections are final.

(7) Provincial or district directorate shall report a copy of the cannabis cultivation permit document it arranged and the outline of the proposed cultivation site to the local law enforcement offices through the relevant local authority.

(8) If it is discovered that authorized cannabis cultivators are violating this Ordinance, their cultivation permits shall be cancelled.

#### **Points to be considered in cultivation**

**ARTICLE 9** – (1) Farmers who cultivate cannabis or those who are working on a scientific research project are liable for;

a) Carrying out the cultivation in accordance with the purpose stated in the cultivation permit documents and taking measures to prevent actions and operations which are against the purpose of cultivation,

b) Being of assistance in the inspections to be carried out in the cultivation site by public officers,

c) Disposing of residual parts of the cannabis plant such as subbranches, leaves and flowers right after harvest in order to prevent marijuana production,

d) In cannabis cultivation for scientific research purposes, reporting the information about the processes applied to the yield of cannabis or cannabis products to the provincial or district directorate which issued the cultivation permit, within the calendar year.

(2) For the parts saved for planting at the end of cultivation, the provisions of the Seed Law that goes by the number 5553 and is dated 10/31/2006 shall be predicated upon. And the seeds produced at the end of cultivation shall be used in accordance with the regulations, provided they are not germinated.

#### **Procedures concerning unauthorized cultivation**

**ARTICLE 10** – (1) Regardless of the purpose of cultivation, cannabis produced as the result of unauthorized cultivation shall be disposed of according to the provisions of the law no. 2313 and the case shall be referred to the relevant judicial authorities.

(2) In procedures of detecting or disposing of unauthorized cannabis cultivation, a report as sampled in Appendix-6 shall be arranged by the technical personnel in cooperation with law enforcement offices.

(3) Those who practice cultivation in a larger area or on another site than specified in the existing permit documents and those who practice cultivation for other purposes than the ones stated in the existing permit documents shall be subject to the provisions of this article.

(4) Ministry shall make recommendations as to new methods that allow to perform more quickly and easily the procedures concerning the uprooting, picking, transporting and disposing of cannabis that is produced through unauthorized cultivation.

### **CHAPTER THREE**

#### **Kontroller ile İlgili Hükümler**

##### **Inspection authority**

**ARTICLE 11** – (1) The areas where cannabis cultivation is permitted shall be continually inspected in terms of conformity with the stated purpose, from planting until harvest, by the technical personnel of provincial or district directorates.

(2) Cannabis cultivation practiced in areas other than the ones permitted shall be watched by the cooperation of provincial or district directorates and local law enforcement authorities and in case of confirmation, provisions of Article 10 shall be applied.

##### **The personnel to be delegated for inspections**

**ARTICLE 12** – (1) A sufficient number of technical personnel shall be employed in provincial or district directorates. The list of the technical personnel employed shall be submitted to law enforcement offices until the end of January every year. Also, the technical personnel employed shall be made to attend inservice training for cannabis agriculture and inspection and due notifications shall be submitted to the Ministry.

(2) In case of need, technical personnel shall be assigned to inspection, detection and/or disposal tasks to be performed in areas other than the original place of duty by the approval of Ministry.

(3) All needs of the technical personnel which arise from the performing of the duties defined by this Ordinance shall be met by the provincial or district directorates under which they are employed.

##### **Points to be considered in inspections**

**ARTICLE 13** – (1) The main purpose of the inspections is, in addition to preventing marijuana production

through unauthorized cultivation, to achieve cultivation with appropriate techniques of cannabis plant varieties that are low in tetrahydrocannabinol (THC) through training and publishing efforts within authorized cannabis cultivation practices.

(2) In the inspections to be conducted by the technical personnel;

a) The information stated in the cultivation permit documents is compared with the existing conditions on the cannabis cultivation site.

b) Cannabis cultivation on an area that is larger in size or in another location than what is stated on the permit documents cannot be allowed.

c) The applications performed at each phase of production shall be inspected in terms of conformity with the purpose of cultivation as stated in Appendix-4. Cannabis cannot be allowed to be used for purposes other than the stated cultivation purpose.

d) In order to prevent the production of marijuana, residual parts of the cannabis plant such as the sub-branches, leaves and flowers shall be disposed of in accordance with the relevant regulations right after the harvest.

e) After each inspection, the points detected shall be entered into the plot inspection cards supplied in Appendix-5 and recorded.

**Inspection period**

**ARTICLE 14** – (1) Areas where authorized cannabis cultivation is practised shall be inspected at least once a month, from the date of planting until the harvest, by the technical personnel in the provincial or district directorates.

**CHAPTER FOUR**

**Various and Final Provisions**

**Repealed ordinance**

**ARTICLE 15** – (1) The Ordinance on Cannabis Cultivation and Inspection published in the issue 20672 of the Official Journal dated 10/21/1990, has been repealed.

**Execution of the repealed ordinance**

**TEMPORARY ARTICLE 1** – (1) The cannabis cultivation permit papers that were prepared on the basis of the provisions of The Ordinance on Cannabis Cultivation and Inspection, published in the issue 20672 of the Official Journal dated 10/21/1990 are valid thru 12/31/2016.

**Enforcement**

**ARTICLE 16** – (1) This Ordinance goes into effect from the date of publishing on.

**Execution**

**ARTICLE 17** – (1) The provisions on this Ordinance are executed by the Minister of Food, Agriculture and Livestock.