



## LAWS AND REGULATIONS

### PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.*

#### JAPAN

Communicated by the Government of Japan

##### NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

NARCOTICS AND PSYCHOTROPICS CONTROL LAW (LAW N° 14 OF MARCH 17, 1953)  
(AS AMENDED UNTIL 1992)

**\*Note by the Secretariat:** This document is a direct reproduction of the text communicated to the Secretariat.

# NARCOTICS AND PSYCHOTROPICS CONTROL LAW

(Law No. 14 of March 17, 1953)1/

## Amendments:

- |  |                                       |
|--|---------------------------------------|
| (1) Law No. 71 of April 22, 1954 <sup>2/</sup> | (12) Law No. 45 of May 19, 1981       |
| (2) Law No. 163 of June 8, 1954                | (13) Law No. 83 of December 10, 1983  |
| (3) Law No. 65 of July 12, 1955 <sup>3/</sup>  | (14) Law No. 23 of May 1, 1984        |
| (4) Law No. 145 of August 10, 1960             | (15) Law No. 37 of May 18, 1985       |
| (5) Law No. 108 of June 21, 1963 <sup>4/</sup> | (16) Law No. 90 of July 12, 1985      |
| (6) Law No. 57 of April 11, 1964               | (17) Law No. 46 of May 8, 1986        |
| (7) Law No. 111 of June 1, 1970                | (18) Law No. 98 of September 26, 1987 |
| (8) Law No. 28 of May 10, 1972                 | (19) Law No. 22 of April 10, 1989     |
| (9) Law No. 103 of June 26, 1972 <sup>5/</sup> | (20) Law No. 33 of June 19, 1990      |
| (10) Law No. 27 of April 24, 1978              | (21) Law No. 93 of March 5, 1991      |
| (11) Law No. 55 of May 23, 1978                | (22) Law No. 45 of May 20, 1992       |

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1/ Note by the Secretariat: E/NL.1954/145

2/ Note by the Secretariat: E/NL.1954/151

3/ Note by the Secretariat: E/NL.1957/130

4/ Note by the Secretariat: E/NL.1964/74

5/ Note by the Secretariat: E/NL.1979/16

## CHAPTER I GENERAL PROVISIONS

### (Purpose)

**Article 1.** The purpose of this law is to promote the public welfare through preventing harm to health and hygiene caused by the abuse of narcotics and psychotropics by taking such measures as conducting the necessary medical treatments for narcotic addicts, etc. as well as by exercising the necessary controls over the import, export, manufacture, compounding, transfer, etc. of narcotics and psychotropics.

### (Definitions)

**Article 2.** The following definitions shall apply throughout this Law.

- (1) "Narcotics" means any of the substances listed in the separate Table I.
- (2) "Opium" means opium provided in the Opium Law (Law No. 71 of 1954).
- (3) "Poppy straw" means poppy straw provided in the Opium Law (Law No. 71 of 1954).
- (4) "Narcotic plant" means any of the plants listed in the separate Table II.
- (5) "Exempt narcotics" means any of the substances provided in 'a.' of Item (76) of Table I.
- (6) "Psychotropics" means any of the substances listed in the separate Table III.
- (7) "Narcotics/Psychotropics raw material" means any of the substances listed in the separate Table IV.
- (8) "Narcotics handler" means any narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics, narcotics central wholesale dealer, narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator, and narcotics researcher.
- (9) "Narcotics dealer" means narcotics handler other than narcotics practitioner, narcotics administrator and narcotics researcher.
- (10) "Narcotics importer" means a person who is engaged in the professional importation of narcotics under the license granted by the Minister of Health and Welfare.
- (11) "Narcotics exporter" means a person who is engaged in the professional exportation of narcotics under the license granted by the Minister of Health and Welfare.
- (12) "Narcotics manufacturer" means a person who is engaged in the professional manufacture of narcotics (including the refining of narcotics and the transformation of narcotics into the other narcotics with chemical processes, and hereinafter referred to as such) under the license granted by the Minister of Health and Welfare.
- (13) "Narcotics compounder" means a person who is engaged in the professional compounding of narcotics (signifying the transformation of narcotics into the other narcotics without chemical processes, but excluding dispensation, and hereinafter referred to as such) or who is engaged in the professional subdividing of narcotics (signifying to subdivide narcotics obtained from others and put them into containers, and hereinafter referred to as such), under the license granted by the Minister of Health and Welfare.

- (14) "Manufacturer of exempt narcotics" means a person who is engaged in the professional manufacture of exempt narcotics under the license granted by the Minister of Health and Welfare.
- (15) "Narcotics central wholesale dealer" means a person who is engaged in the professional transfer of narcotics to narcotics wholesale dealer under the license granted by the Minister of Health and Welfare.
- (16) "Narcotics wholesale dealer" means a person who is engaged in the professional transfer of narcotics to narcotics retail dealer, the proprietor of narcotics medical institution or the proprietor of narcotics research institution under the license granted by the Governor of the Prefecture.
- (17) "Narcotics retail dealer" means a person who is engaged in the professional transfer of narcotics dispensed according to prescription including narcotics (hereinafter referred to as "narcotics prescription") issued by narcotics practitioner, under the license granted by the Governor of the Prefecture.
- (18) "Narcotics practitioner" means a person who, for the purpose of medical treatment of diseases, professionally administers narcotics, supplies them for administering or issues narcotics prescription, under the license granted by the Governor of the Prefecture.
- (19) "Narcotics administrator" means a person who professionally takes charge of the narcotics to be administered or to be supplied for administering, at his narcotics medical institution, under the license granted by the Governor of the Prefecture.
- (20) "Narcotics researcher" means a person who, for scientific research, cultivates narcotic plant, manufactures narcotics or uses narcotics, opium or poppy straw under the license granted by the Governor of the Prefecture.
- (21) "Place of business for narcotics" means a premise where any narcotics handler deals with narcotics for his business or scientific research signifying shop, manufactory, compounding place, pharmacy, hospital, clinic (including the residence of a doctor or dentist provided in Paragraph 1 of Article 5 of the Medical Care Law (Law No. 205 of 1948), and hereinafter referred to as such), veterinary clinics for animals (including the residence of a veterinarian who is engaged in the treatment of animals by visit alone, and hereinafter referred to as such) and research institution. Provided, however, that in the case of a narcotics practitioner or a narcotics researcher who is engaged in medical and dental or veterinary treatment or scientific research at two or more hospitals, clinics or veterinary clinics for animals (hereinafter referred to as a hospital, etc.) or research institutions in the same Prefecture, only the hospital, etc. or research institution where the narcotics practitioner or the narcotics researcher is chiefly engaged in medical and dental or veterinary treatment or scientific research shall be deemed to be the place of business for narcotics.
- (22) "Narcotics medical institution" means a hospital, etc., where a narcotics practitioner is engaged in treatment.
- (23) "Narcotics research institution" means a research institution where a narcotics researcher is engaged in scientific research.
- (24) "Narcotic addiction" means the chronic intoxication of narcotics, cannabis or opium.
- (25) "Narcotic addict" means a person who is in the state of narcotic addiction.

- (26) "Psychotropics handler" means any psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, psychotropics utilizer, psychotropics wholesale dealer, psychotropics retail dealer, the proprietor of a hospital, etc., and the proprietor of a psychotropics research institution.
- (27) "Psychotropics dealer" means a psychotropics handler other than the proprietor of a hospital, etc., and the proprietor of a psychotropics research institution.
- (28) "Psychotropics importer" means a person who is engaged in the professional importation of psychotropics under the license granted by the Minister of Health and Welfare.
- (29) "Psychotropics exporter" means a person who is engaged in the professional exportation of psychotropics under the license granted by the Minister of Health and Welfare.
- (30) "Psychotropics manufacturer/compounder" means a person who is engaged in the professional manufacture (including the refining of psychotropics and the transformation of psychotropics into the other psychotropics with chemical processes, and hereinafter referred to as such), compounding (including the transformation of psychotropics into the other psychotropics without chemical processes, but excluding dispensation, and hereinafter referred to as such) under the license granted by the Minister of Health and Welfare or who is engaged in the professional subdividing of psychotropics (signifying to subdivide psychotropics received from others and put them into containers, and hereinafter referred to as such) under the license granted by the Minister of Health and Welfare.
- (31) "Psychotropics utilizer" means a person who is engaged in the professional transformation of psychotropics into the substances other than psychotropics with chemical processes under the license granted by the Minister of Health and Welfare.
- (32) "Psychotropics wholesale dealer" means a person who is engaged in the professional transfer of psychotropics to psychotropics dealer (excluding psychotropics importer) under the license granted by the Governor of the Prefecture.
- (33) "Psychotropics retail dealer" means a person who is engaged in the professional transfer of psychotropics dispensed according to prescription including psychotropics (hereinafter referred to as a psychotropics prescription) under the license granted by the Governor of the Prefecture.
- (34) "Proprietor of a psychotropics research institution" means the proprietor of an institution where psychotropics are manufactured or used for scientific research or testing (hereinafter referred to as psychotropics research institution) under the registration granted by the Minister of Health and Welfare or the Governor of the Prefecture.
- (35) "Place of business for psychotropics" means a shop, manufactory, compounding place, and pharmacy, where a psychotropics dealer deals with psychotropics for his business.
- (36) "Narcotics/psychotropics raw material dealer" means narcotics/psychotropics raw material importer, narcotics/psychotropics raw material exporter, narcotics/psychotropics raw material manufacturer, and narcotics/psychotropics raw material wholesale/retail dealer.

- (37) "Narcotics/psychotropics raw material importer" means a person who is engaged in the professional importation of narcotics/psychotropics raw material.
- (38) "Narcotics/psychotropics raw material exporter" means a person who is engaged in the professional exportation of narcotics/psychotropics raw material.
- (39) "Narcotics/psychotropics raw material manufacturer" means a person who is engaged in the professional manufacture of narcotics/psychotropics raw material (including the refining of narcotics/psychotropics raw material and the transformation of narcotics/psychotropics raw material into other narcotics/psychotropics raw material, with or without chemical processes, but excluding dispensation, and hereinafter referred to as such) or in the professional subdividing of narcotics/psychotropics raw material (signifying to subdivide narcotics/psychotropics raw material received from others and put them into containers, and hereinafter referred to as such).
- (40) "Specified narcotics/psychotropics raw material manufacturer" means a person who is engaged in the professional manufacture of narcotics/psychotropics raw material designated by the Cabinet Ordinance (hereinafter referred to as "specified narcotics/psychotropics raw material") or in the professional subdividing of specified narcotics/psychotropics raw material.
- (41) "Narcotics/psychotropics raw material wholesale/retail dealer" means a person who is engaged in the professional transfer of narcotics/psychotropics raw material.
- (42) "Specified narcotics/psychotropics raw material wholesale/retail dealer" means a person who is engaged in the professional transfer of specified narcotics/psychotropics raw material.
- (43) "Place of business for narcotics/psychotropics raw material" means a shop, manufactory, or pharmacy, where a narcotics/psychotropics raw material dealer deals with narcotics/psychotropics raw material for his business.

## **CHAPTER II CONTROL ON NARCOTICS**

### **Part 1. License**

#### **(License)**

**Article 3.** The license of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer shall be granted by the Minister of Health and Welfare and that of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher shall be granted by the Governor of the Prefecture with respect to each place of business for narcotics.

2. No person other than those mentioned in any of the following items may obtain a license.

- (1) With regard to the license of a narcotics importer, any person who has obtained the license for the professional importation of medicine in accordance with the provisions of the Pharmaceutical Affairs Law (Law No. 145 of 1960)

- (2) With regard to the license of a narcotics exporter, any person who has obtained the license for the professional manufacture or sale of medicine in accordance with the provisions of the Pharmaceutical Affairs Law and who is a pharmacist himself or employs a pharmacist
- (3) With regard to the license of a narcotics manufacturer, narcotics compounder or manufacturer of exempt narcotics, any person who has obtained the license for the professional manufacture of medicine in accordance with the provisions of the Pharmaceutical Affairs Law
- (4) With regard to the license of a narcotics central wholesale dealer or narcotics wholesale dealer, any person who has obtained the license for establishment of a pharmacy in accordance with the provisions of the Pharmaceutical Affairs Law or any person who has obtained the license for the professional sale of medicine in accordance with the provisions of the Law and who is a pharmacist himself or employs a pharmacist
- (5) With regard to the license of a narcotics retail dealer, any person who has obtained the license for establishment of a pharmacy in accordance with the provisions of the Pharmaceutical Affairs Law
- (6) With regard to the license of a narcotics practitioner, doctor, dentist or veterinarian
- (7) With regard to the license of a narcotics administrator, doctor, dentist, veterinarian or pharmacist
- (8) With regard to the license of a narcotics researcher, any person who needs, for scientific research, to cultivate narcotic plants, to manufacture narcotics, or to use narcotics, opium or poppy straw

3. The license may not be granted to a person who comes under any of the following items.

- (1) A person whose license has been canceled in accordance with the provision of Paragraph 1 of Article 51 and who has not passed three years after the date of the cancellation
- (2) A person who has been sentenced to a penalty heavier than a fine and has not passed three years after the completion of, or the effectuation of exemption of further execution of, his sentence
- (3) A person, except those who apply to any of the preceding two items, who has violated this Law, Cannabis Control Law (Law No. 124 of 1948), Opium Law, Pharmacists Law (Law No. 146 of 1960), Pharmaceutical Affairs Law, Medical Practitioners Law (Law No. 201 of 1948), Medical Care Law or other law or ordinances concerning pharmaceutical or medical affairs, or any of the dispositions made in accordance with these laws or ordinances, and has not passed two years after the date of his violation thereof
- (4) A person adjudged incompetent
- (5) A psychotic person, narcotic addict or stimulant addict
- (6) A juridical person or organization having a person who comes under any of the preceding items among the officers conducting its business

**(License Card)**

**Article 4.** The Minister of Health and Welfare or the Governor of the Prefecture shall, in case he has granted the license to a narcotics handler in accordance with the provisions of the preceding article, issue the license card to the narcotics handler concerned.

2. In the license card, there shall be mentioned the name or its equivalent and the address of the narcotics handler, and other matters provided in Ministry of Health and Welfare Ordinance.

3. The license card shall not be transferred or lent to any other person.

**(Term of Validity of License)**

**Article 5.** The term of validity of license of a narcotics handler shall be from the date of its grant to December 31 of the next year.

**(Invalidation of License)**

**Article 6.** The license of a narcotics handler shall, in addition to the case of expiration of the term of its validity and the case of its cancellation under the provision of Paragraph 1 of Article 51, become null and void in a case where comes under any of the following items.

- (1) Where the notice under the provision of Paragraph 1 of the following article has been given
- (2) Where the narcotics handler concerned has lost the qualification in any of the items of Paragraph 2 of Article 3

**(Notification of Discontinuation of Business, etc.)**

**Article 7.** A narcotics handler shall, in case he has discontinued the business or research of narcotics at the place of business for narcotics within the term of validity of the license, give notice, within 15 days, accompanied with the license card, to the Minister of Health and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

2. The provision of the preceding paragraph shall apply *mutatis mutandis* where a narcotics handler has lost the qualification in any of items of Paragraph 2 of Article 3.

3. A successor or an administrator of the estate, or a liquidator, an administrator in bankruptcy or a representative of the juridical person who remains in existence after amalgamation with another one or of the new juridical person established as a result of the amalgamation shall, in case where a narcotics handler has been deceased or the narcotics handler of juridical person has been dissolved, give notice, within 15 days, accompanied with the license card, to the Minister of Health and Welfare in the case of decease or dissolution of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of decease

or dissolution of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

**(Return of License Card)**

**Article 8.** A narcotics handler shall, in case the term of validity of the license has expired or the license has been canceled in accordance with the provision of Paragraph 1 of Article 51, within 15 days, return the license card to the Minister of Health and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

**(Notification of Alteration of Matters Mentioned in License Card)**

**Article 9.** A narcotics handler shall, in case alteration has occurred in the matters mentioned in the license card, give notice, within 15 days, accompanied with the license card, to the Minister of Health and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

2. The Minister of Health and Welfare or the Governor of the Prefecture shall, in case he has received the notice in the preceding paragraph, renew the license card and issue it to the narcotics handler concerned without undue delay.

**(Reissue of License Card)**

**Article 10.** A narcotics handler shall, in case the license card has been damaged or lost, make an application for reissue of the license card with the reason therefor, within 15 days, and besides, accompanied with the license card concerned in the case of damage, to the Minister of Health and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacture of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

2. A narcotics handler shall, in case the lost license card has been found after the renewed license card was issued in accordance with the provision of the preceding paragraph, return the found license card within 15 days to the Minister of Health and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

**Article 11.** Deleted.

## **Part 2. Prohibition and Restriction**

### **(Prohibition)**

**Article 12.** No one shall import, export, manufacture, compound, subdivide, transfer, receive, supply, administer, possess or destroy diacetylmorphine, its salts or narcotics containing any of them (hereinafter referred to as a diacetylmorphine, etc.). Provided, however, that this provision shall not apply where the proprietor of a narcotics research institution transfers, receives, or destroys such narcotics under the permission of the Minister of Health and Welfare and where a narcotics researcher manufactures, compounds, subdivides, administers or possesses such narcotics for scientific research under the permission of the Minister of Health and Welfare.

2. No one shall import or export opium powder.
3. No one shall cultivate narcotic plants. Provided, however, that this provision shall not apply where a narcotics researcher cultivates such plants for scientific research under the permission of the Minister of Health and Welfare.
4. No one shall undergo the administering of diacetylmorphine etc. as prohibited in accordance with the provision of Paragraph 1.

### **(Import)**

**Article 13.** No person other than a narcotics importer shall import narcotics (excluding diacetylmorphine etc. and narcotics provided in Paragraphs 2 of the preceding article, and hereinafter referred to as such to Article 19-2). Provided, however, that this provision shall not apply to a person who intends to enter this country by having them with himself for the purpose of treatment of his disease under the permission of the Minister of Health and Welfare.

2. A person who has imported narcotics by having them with himself, in accordance with the preceding paragraph, shall, with respect to the application of the provisos of Paragraph 1 of Article 24, Paragraph 1 of Article 27, and Paragraph 1 of Article 28, be deemed to be the person who has been supplied the narcotics for administering from a narcotics practitioner.

### **(Import Permission)**

**Article 14.** A narcotics importer shall, in case he intends to import narcotics, obtain the permission of the Minister of Health and Welfare for each import.

2. Any person who intends to obtain the permission in the preceding paragraph shall submit to the Minister of Health and Welfare a written application stating the following matters.
  - (1) The name and quantity of the narcotics to be imported
  - (2) The name or its equivalent and address of the exporter
  - (3) The period of importation
  - (4) The means of transportation
  - (5) The name of the port of import

3. A person who has obtained the permission in Paragraph 1 shall, in case he intends to alter any of the matters in the preceding paragraph, obtain the permission of the Minister of Health and Welfare.

4. The Minister of Health and Welfare may not grant the permission in Paragraph 1 or the preceding paragraph in case he considers it inadequate to do so, having regard to the demand and stock of the narcotics in question.

5. The Minister of Health and Welfare shall, in case he has granted the permission in Paragraph 1, issue the import permission and certificate of the import permission stating in them the name or its equivalent and address of the applicant and the matters prescribed in Paragraph 2.

6. The Minister of Health and Welfare shall, in case he has granted the permission in Paragraph 3, renew the import permission and certificate of the import permission and issue them to the applicant concerned.

**(Submission of Certificate of Export Permission)**

**Article 15.** A narcotics importer shall, in case he has imported the narcotics, submit the certificate of the export permission issued by the Government of the exporting country to the Minister of Health and Welfare within 10 days after the date of the importation of narcotics or the date of the receipt of the certificate of the export permission.

**(Return of Import Permission)**

**Article 16.** A narcotics importer shall, in case he has failed to import the narcotics within the authorized period of importation, return the import permission to the Minister of Health and Welfare within 10 days after the expiration of the period.

**(Export)**

**Article 17.** No person other than a narcotics exporter shall export narcotics. Provided, however, that this provision shall not apply to a person who intends to leave this country by having them with himself for the purpose of treatment of his disease under the permission of the Minister of Health and Welfare.

**(Export Permission)**

**Article 18.** A narcotics exporter shall, in case he intends to export narcotics drugs, obtain the permission of the Minister of Health and Welfare for each export.

2. Any person who intends to obtain the permission in the preceding paragraph shall submit to the Minister of Health and Welfare a written application stating the following matters accompanied by the certificate of the import permission issued by the Government of the importing country.

- (1) The name and quantity of the narcotics to be exported
- (2) The name or its equivalent and address of the importer
- (3) The period of exportation
- (4) The means of transportation
- (5) The name of the port of export

3. A person who has obtained the permission in Paragraph 1 shall, in case he intends to alter any of the matters in the preceding paragraph, obtain the permission of the Minister of Health and Welfare therefor.

4. The Minister of Health and Welfare shall, in case he has granted the permission in Paragraph 1, issue the export permission and certificate of the export permission stating in them the name or its equivalent and address of the applicant and the matters prescribed in Paragraph 2.

5. The Minister of Health and Welfare shall, in case he has granted the permission in Paragraph 3, renew the export permission and certificate of the export permission and issue them to the applicant concerned.

6. A narcotics exporter shall, in case he exports narcotics, send the certificate of the export permission attached to the narcotics.

**(Return of Export Permission and Certificate of Export Permission)**

**Article 19.** A narcotics exporter shall, in case he has failed to export the narcotics within the authorized period of exportation, return the export permission and certificate of the export permission to the Minister of Health and Welfare within 10 days after the expiration of the period.

**(Indication for Export)**

**Article 19-2.** No narcotics exporter shall falsely indicate the name and quantity of narcotics which he intends to export.

**(Manufacture)**

**Article 20.** No person other than a narcotics manufacturer shall manufacture narcotics (excluding diacetylmorphine etc., and hereinafter referred to as such in this Section (excluding Article 29-2)). Provided, however, that this provision shall not apply where a narcotics researcher manufactures for scientific research.

2. No person other than a narcotics manufacturer, narcotics compounder or manufacturer of exempt narcotics shall manufacture the exempt narcotics. Provided, however, that this provision shall not apply where a narcotics researcher manufactures them for scientific research.

**(Permission for Manufacture)**

**Article 21.** A narcotics manufacturer, narcotics compounder or manufacturer of exempt narcotics shall, in case he intends to manufacture narcotics or exempt narcotics, obtain the permission of the Minister of Health and Welfare in each period from January to March, from April to June, from July to September, from October to December (hereinafter referred to as "quarterly"), in respect of the name and quantity of the narcotics or exempt narcotics to be manufactured, and the name and quantity of the narcotics, opium or poppy straw to be used for the manufacture.

2. The provision of Paragraph 4 of Article 14 shall apply *mutatis mutandis* to the permission in the preceding paragraph.

3. The Minister of Health and Welfare may, in case he considers necessary in granting the permission in Paragraph 1, specify the capacity of each container in which the manufactured narcotics are to be put.

**(Compounding and Subdividing)**

**Article 22.** No person other than a narcotics manufacturer or narcotics compounder shall compound or subdivide narcotics. Provided, however, that this provision shall not apply where a narcotics researcher compounds or subdivides them for scientific research.

**(Permission for Compounding and Subdividing)**

**Article 23.** A narcotics manufacturer or narcotics compounder shall, in case he intends to compound or subdivide narcotics, obtain the permission of the Minister of Health and Welfare quarterly in respect of the name and quantity of the narcotics to be compounded or subdivided and of the name and quantity of the narcotics to be used for the compounding.

2. The provisions of Paragraph 4 of Article 14 and Paragraph 3 of Article 21 shall apply *mutatis mutandis* to the permission in the preceding paragraph.

**(Transfer)**

**Article 24.** No person other than a narcotics dealer shall transfer narcotics. Provided, however, that this provision shall not apply to the followings.

- (1) In case where a proprietor of a narcotics medical institution transfers narcotics to be supplied for administering
- (2) In case where a person who has been supplied narcotics for the administering from a narcotics practitioner, or a person who has received narcotics dispensed according to a narcotics prescription from a narcotics retail dealer, has found such narcotics unnecessary for the administering and transfer them to the proprietor of a narcotics medical institution or to a narcotics retail dealer
- (3) In case of decease of a person who has been supplied narcotics for the administering from a narcotics practitioner or who has received narcotics dispensed according to the narcotics prescription from a narcotics retail dealer, his successor or the administrator of the estate in lieu of the successor, transfers such narcotics, which he actually possesses or takes charge of, to the proprietor of a narcotics medical institution or to a narcotics retail dealer

2. The provision of the preceding paragraph shall not apply where narcotics to be supplied for the administering are supplied in contravention of the provisions of Paragraph 1, 3 or 4 of Article 27 or where a narcotics prescription has been issued in contravention of the provisions of Paragraph 3 or 4 of the same article.

3. No narcotics importer shall transfer narcotics to any person other than a narcotics manufacturer, narcotics compounder, narcotics central wholesale dealer and narcotics wholesale dealer. Provided, however, that this provision shall not apply where a narcotics importer transfers codeine, dihydrocodeine, or their salts to a manufacturer of exempt narcotics.

4. No narcotics exporter shall transfer narcotics to any person except in the case of exportation.
5. No narcotics manufacturer shall transfer narcotics to any person other than a narcotics exporter, narcotics manufacturer, narcotics compounder, narcotics central wholesale dealer and narcotics wholesale dealer. Provided, however, that this provision shall not apply where a narcotics manufacturer transfers codeine, dihydrocodeine, or their salts to a manufacturer of exempt narcotics.
6. No narcotics compounder shall transfer narcotics to any person other than a narcotics exporter, narcotics compounder, narcotics central wholesale dealer and narcotics wholesale dealer.
7. No manufacturer of exempt narcotics shall transfer narcotics.
8. No narcotics central wholesale dealer shall transfer narcotics to any person other than a narcotics central wholesale dealer and narcotics wholesale dealer.
9. No narcotics wholesale dealer shall transfer narcotics to any person other than a narcotics wholesale dealer, narcotics retail dealer, the proprietor of a narcotics medical institution and the proprietor of a narcotics research institution that are located in the Prefecture where he has the license at his place of business for narcotics.
10. No narcotics retail dealer shall transfer narcotics to any person other than the person who has a narcotics prescription (excluding a narcotics prescription issued in contravention of the provision of Paragraph 3 or 4 of Article 27).
11. The provision of each of the preceding paragraphs shall not apply to the case of the transfer under the permission of the Minister of Health and Welfare.

**(Transfer by Narcotics Retail Dealer)**

**Article 25.** No narcotics retail dealer shall, in case he transfers narcotics to a person who has a narcotics prescription, transfer narcotics other than those dispensed according to the prescription concerned.

**(Receipt)**

**Article 26.** No person other than a narcotics dealer, the proprietor of a narcotics medical institution or the proprietor of a narcotics research institution shall receive narcotics. Provided, however, that this provision shall not apply to the followings.

- (1) In case where the narcotics to be supplied by a narcotics practitioner are received from a proprietor of a narcotics medical institution
  - (2) In case where a person to whom a narcotics prescription has been issued receives the narcotics dispensed according to the prescription from a narcotics retail dealer
2. The provision of the proviso of the preceding paragraph shall not apply where narcotics to be supplied by a narcotics practitioner are supplied in contravention of the

provision of Paragraphs 3 or 4 of the following article, or where a narcotics prescriptions has been issued in contravention of such provision.

3. No narcotics dealer, proprietor of a narcotics medical institution or the proprietor of a narcotics research institution shall be the other party to the transfer of narcotics as prohibited in accordance with the provisions of Article 24.

**(Administering, Supply for Administering, and Narcotics Prescription)**

**Article 27.** No person other than a narcotics practitioner shall administer narcotics or supply them for administering, or issue a narcotics prescription. Provided, however, that this provision shall not apply to a case where comes under any of the following items.

- (1) Where a narcotics researcher administers narcotics for scientific research
- (2) Where the person who has been supplied narcotics for administering from a narcotics practitioner administers the narcotics
- (3) Where the person who has received narcotics dispensed according to a narcotics prescription from a narcotics retail dealer administers the narcotics

2. The provision of the preceding paragraph shall not apply to the case where the narcotics or narcotics prescription has been supplied or issued in contravention of the provision of Paragraphs 3 or 4.

3. No narcotics practitioner shall administer narcotics, supply them for administering, or issue a narcotics prescription for any purposes other than the treatment of diseases. Provided, however, that the designated physician of mental health may administer N-allylnormorphine, its salts, any narcotics containing such drugs, or any other narcotics designated by the Cabinet Ordinance, for the purpose of the medical examination under the provision of Paragraph 1 of Article 58-6.

4. Notwithstanding the provision of the preceding paragraph, no narcotics practitioner shall administer narcotics, supply them for administering, or issue a narcotics prescription for the purpose of releasing symptoms of the addiction and of other treatment of the addiction. Provided, however, that a narcotics practitioner who is engaged in treatment at a hospital designated by the Ministry of Health and Welfare Ordinance under the provision of Paragraph 1 of Article 58-8, may administer 6-dimethylamino-4,4-diphenyl-3-heptanon, its salts, any narcotics containing such drugs, or any other narcotics designated by the Cabinet Ordinance, to the person who has been hospitalized in the hospital concerned in accordance with the same article.

5. No one shall undergo the administration of narcotics prohibited in accordance with the provision of Paragraph 1, 3 or 4.

6. A narcotics practitioner shall, in case he issues a narcotics prescription, describe in the prescription the name of the patient (the kind of animal, and the name of the owner or caretaker in case of a sick animal), the name and quantity of narcotics, directions and dosage, name of a narcotics practitioner, number of his license, and any other

matters prescribed in Ministry of Health and Welfare Ordinance and affix his name and seal or his signature.

**(Possession)**

**Article 28.** No person other than a narcotics handler, the proprietor of a narcotics medical institution and the proprietor of a narcotics research institution shall possess narcotics. Provided, however, that this provision shall not apply to the followings.

- (1) In case where a person, who has been supplied narcotics for administering from a narcotics practitioner, or who has received the narcotics dispensed according to a narcotics prescription from a narcotics retail dealer, possesses such narcotics
- (2) In case of decease of a person, who has been supplied narcotics for administering from a narcotics practitioner, or who has received the narcotics dispensed according to a narcotics prescription from a narcotics retail dealer, his successor or the administrator of estate in lieu of the successor, possesses the narcotics drugs which he actually possesses or takes charge of

2. The provision of the preceding paragraph shall not apply where narcotics or narcotics prescriptions supplied or issued by a narcotics practitioner have been done so in contravention of the provision of Paragraph 3 or 4 of the preceding article.

3. No manufacturer of exempt narcotics shall possess any narcotics other than codeine, dihydrocodeine and their salts.

**(Destruction)**

**Article 29.** Any person who intends to destroy narcotics shall obtain the permission of the Governor of the Prefecture in respect of the name and quantity of the narcotics and the method of destruction. Provided, however, that this provision shall not apply to the case where a narcotics retail dealer or the proprietor of a narcotics medical institution, under the provisions of Ministry of Health and Welfare Ordinance, destructs the narcotics dispensed according to a narcotics prescription.

**(Advertisement)**

**Article 29-2.** No person shall be permitted to make advertisements on narcotics, unless they are in a newspaper or in a magazine carrying articles concerning to medical, pharmaceutical or scientific affairs for persons concerned with medical or pharmaceutical affairs (signifying medical and pharmaceutical professionals and researchers of natural science, and hereinafter referred to as such in this article) or in other publications which are primarily intended for persons concerned with medical or pharmaceutical affairs.

### **Part 3. Handling**

**(Sealing by Certificate Stamp)**

**Article 30.** A narcotics importer, narcotics manufacturer or narcotics compounder shall, in case he transfers narcotics which he has imported, manufactured, compounded or subdivided, seal the container of the narcotics or immediate wrapper of the container

with the certificate stamp issued by the Government, as provided by the Ministry of Health and Welfare Ordinance.

2. No narcotics dealer (excluding a narcotics retail dealer) shall transfer narcotics unless they are in the sealed condition as provided in the preceding paragraph.

3. No narcotics practitioner or narcotics retail dealer shall supply or transfer narcotics in the sealed condition as provided in Paragraph 1.

4. The provisions of the preceding three paragraphs shall not apply where narcotics are transferred under the permission provided in Paragraph 11 of Article 24.

**(Descriptions on Container and Wrapper)**

**Article 31.** No narcotics dealer (excluding a narcotics retail dealer) shall transfer any narcotics other than those bearing the mark “麻” and stating the following matters on a container and its immediate wrapper. Provided, however, that this provision shall not apply where narcotics are transferred under the permission provided in the provision of Paragraph 11 of Article 24.

- (1) The date of importation, manufacture, compounding or subdividing
- (2) The name and quantity or content of each narcotic ingredient
- (3) Other matters provided in Ministry of Health and Welfare Ordinance

**(Certificate of Receipt and Certificate of Transfer)**

**Article 32.** A narcotics dealer (excluding a narcotics retail dealer) shall, in case he transfers narcotics, supply narcotics only on or after the receipt of the certificate of receipt from a transferee, as made out by the transferee under the form provided in the Ministry of Health and Welfare Ordinance and sealed, and, at the same time, he shall, in case he supplies narcotics, issue to the transferee the certificate of transfer as made out by him under the form provided in the Ministry of Health and Welfare Ordinance and sealed. Provided, however, that this provision shall not apply where narcotics are transferred under the permission provided in the provision of Paragraph 11 of Article 24.

2. A person who has received the certificate of receipt or certificate of transfer in accordance with the provision of the preceding paragraph shall preserve it for 2 years from the date of the receipt.

**(Taking Charge of Narcotics at Narcotics Medical Institution and Narcotics Research Institution)**

**Article 33.** A proprietor of a narcotics medical institution where two or more narcotics practitioners are engaged in treatment shall have one narcotics administrator. Provided, however, that this provision shall not apply to the case where the proprietor himself is a narcotics administrator.

2. A narcotics administrator (signifying a narcotics practitioner in the case of narcotics medical institution which has no narcotics administrator, and hereinafter referred to as

such only in this Section and the following Section) or narcotics researcher shall take charge of narcotics to be administered or supplied for administering, or to be used for scientific research at the narcotics medical institution or narcotics research institution concerned.

3. A narcotics practitioner shall not administer or supply for administering at the narcotics medical institution concerned any narcotics other than those taken charge of by a narcotics administrator in accordance with the provision of the preceding paragraph.

**(Custody)**

**Article 34.** A narcotics handler shall take custody of the narcotics which he possesses or takes charge of at his place of business for narcotics.

2. The custody mentioned in preceding Paragraph 1 shall be done in a locked, strongly built place, separating from non-narcotics (excluding stimulants).

**(Report of Incidents and Destruction)**

**Article 35.** A narcotics handler shall, in case of loss, theft, disappearance or any other incident has occurred in respect of the narcotics which he has possessed or taken charge of, promptly report the name and quantity of narcotics and other information necessary for making the circumstances of the incident clear, to the Minister of Health and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

2. A narcotics retail dealer or the proprietor of a narcotics medical institution shall, in case he has destroyed the narcotics dispensed according to a narcotics prescription, in accordance with the provision of the proviso of Article 29, report, within 30 days, the name and quantity of narcotics and other matters provided by the Ministry of Health and Welfare Ordinance to the Governor of the Prefecture.

3. The Governor of the Prefecture shall, in case he has received the report provided in Paragraph 1, promptly report to the Minister of Health and Welfare.

**(Measures to be Taken in the Case of the Invalidation of License, etc.)**

**Article 36.** A narcotics dealer, a proprietor of a narcotics medical institution or proprietor of a narcotics research institution shall, in case the license of the narcotics dealer has become null and void, or in case a narcotics medical institution or narcotics research institution has ceased to be the narcotics medical institution or narcotics research institution (except where a narcotics dealer has obtained the license of a narcotics dealer without intermission after the license of the narcotics dealer became null and void), notify, within 15 days, the name and quantity of the narcotics which he possesses actually, to the Minister of Health and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder,

manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, the proprietor of a narcotics medical institution or the proprietor of a narcotics research institution.

2. Only in the case the person, who is required to notify the matters in accordance with the provision of the preceding paragraph, transfers within 50 days after the date of arising the reason for the report, the narcotics prescribed in the same paragraph to a narcotics dealer, the proprietor of a narcotics medical institution or the proprietor of a narcotics research institution (where such person is a narcotics wholesale dealer, narcotics retail dealer, the proprietor of a narcotics medical institution, or the proprietor of a narcotics research institution, only to a narcotics dealer, the proprietor of a narcotics medical institution or the proprietor of a narcotics research institution) (that are located in the Prefecture where he has had the license at his place of business for narcotics, and where the narcotics in the same paragraph are diacetylmorphine etc., only to the proprietor of a narcotics research institution), the provisions of Paragraph 1 of Article 12, Paragraph 1 of Article 24 and Paragraph 3 of Article 26 shall not apply to the transfer and receipt, and the provisions of Paragraph 1 of Article 12 and Paragraph 1 of Article 28 shall not apply to their possession of the narcotics prescribed in the preceding paragraph only within the same period.

3. Any person who has transferred narcotics within the period provided in the preceding paragraph shall notify, within 15 days after the date of the transfer, the name and quantity of the narcotics, the date of the transfer, and the name or its equivalent and address of the transferee, either to the Minister of Health and Welfare or the Governor of the Prefecture as the case may be according to the classification provided in Paragraph 1.

4. The provisions of Paragraph 1 and the preceding paragraph shall apply *mutatis mutandis* to a successor or an administrator of the estate in lieu of the successor, or to a liquidator, an administrator in bankruptcy or a representative of the juridical person who remains in existence after amalgamation with another one or of the new juridical person established as a result of the amalgamation, in case where a narcotics handler, proprietor of a narcotics medical institution, or a proprietor of a narcotics research institution has been deceased or dissolved, and the provision of Paragraph 2 shall apply *mutatis mutandis* to the transfer and receipt in case such persons transfer narcotics, and to their possession of narcotics.

#### **Part 4. Record and Report Concerning Business**

**(Book)**

**Article 37.** A narcotics dealer (excluding a narcotics retail dealer) shall keep a book at his place of business for narcotics and enter the following matters therein.

(1) The name and quantity of narcotics imported, exported, manufactured, compounded, subdivided, transferred, received, used for manufacture of narcotics

or exempt narcotics or for compounding of narcotics, or destroyed, and the date thereof

- (2) The name or its equivalent and address of the counter-party of the import, export, transfer or receipt
- (3) The name and quantity of narcotics reported under the provision of Paragraph 1 of Article 35

2. A narcotics dealer (excluding a narcotics retail dealer) shall preserve the book in the preceding paragraph for two years from the date of the final entry (including the entry under the provision of Paragraph 1 of Article 39 of Opium Law in the case of a narcotics manufacturer).

**Article 38.** A narcotics retail dealer shall keep a book at his place of business for narcotics and enter the following matters therein.

- (1) The name and quantity of narcotics received and the date of the receipt
- (2) The name and quantity of narcotics (excluding codeine, dihydrocodeine and ethylmorphine, and their salts) transferred and the date of the transfer
- (3) The name and quantity of narcotics reported under the provision of Paragraph 1 of Article 35
- (4) The name and quantity of narcotics destroyed and the date of the destruction

2. A narcotics retail dealer shall preserve the book in preceding paragraph for 2 years from the date of the final entry.

**Article 39.** A narcotics administrator shall keep a book at his narcotics medical institution and enter the following matters therein.

- (1) The name and quantity of narcotics received or destroyed by the proprietor of the narcotics medical institution and the date of the receipt or destruction
- (2) The name and quantity of narcotics (excluding codeine, dihydrocodeine and ethylmorphine, and their salts supplied for administering) transferred by the proprietor of the narcotics medical institution and the date of the transfer
- (3) The name and quantity of narcotics (excluding codeine, dihydrocodeine and ethylmorphine, and their salts) administered at the narcotics medical institution and the date of the administering
- (4) The name and quantity of narcotics reported under the provision of Paragraph 1 of Article 35

2. A narcotics administrator shall, in case he has closed the use of the book in the preceding paragraph, deliver it to the proprietor of the narcotics medical institution without undue delay.

3. The proprietor of the narcotics medical institution shall, in case the book has been delivered in accordance with the provision of the preceding paragraph, preserve it for 2 years from the date of the final entry.

**Article 40.** A narcotics researcher shall keep a book at his narcotics research institution and enter the following matters therein.

- (1) The name and quantity of narcotics which newly come in or out, under his charge, and the date thereof
- (2) The name and quantity of narcotics manufactured, compounded or used for scientific research, and the date thereof
- (3) The name and quantity of narcotics reported under the provision of Paragraph 1 of Article 35

2. A narcotics researcher shall, in case he has closed the use of the book in the preceding paragraph, deliver it to the proprietor of the narcotics research institution without undue delay.

3. The proprietor of the narcotics research institution shall, in case the book has been delivered in accordance with the provision of the preceding paragraph, preserve it 2 years from the date of the final entry.

**(Record of Administering)**

**Article 41.** A narcotics practitioner shall, in case he has administered narcotics or supplied them for administering, give entries in the clinical record book provided in Article 24 of Medical Practitioners Law or in Article 23 of Dentists Law (Law No. 202 of 1949) or in the record book of treatment provided in Article 20 of Veterinary License Law (Law No. 186 of 1949), the name and address of a patient (signifying its kind, and the name or its equivalent and address of its owner or caretaker in the case of a sick animal), name of disease, main symptoms, the name and quantity of narcotics administered or supplied for administering, and date of the administering or supply.

**(Report by Narcotics Importer)**

**Article 42.** A narcotics importer shall quarterly report the following matters to the Minister of Health and Welfare within 15 days after the expiration of each quarter.

- (1) The name and quantity of narcotics, the quantity of narcotics in each container (hereinafter referred to as "The quantity in each container") and the number of the container, which were possessed at the beginning of the quarter
- (2) The name and quantity of narcotics, the quantity in each container and the number of the containers, which were imported during the quarter, and the date of the importation
- (3) The name and quantity of narcotics, the quantity in each container and the number of the containers, which were transferred during the quarter, and the date of the transfer
- (4) The name and quantity of narcotics, the quantity in each container and the number of the containers, which were possessed at the end of the quarter

**(Report by Narcotics Exporter)**

**Article 43.** A narcotics exporter shall quarterly report the following matters to the Minister of Health and Welfare within 15 days after the expiration of each quarter.

- (1) The name and quantity of narcotics, the quantity in each container and the number of containers, which were possessed at the beginning of the quarter
- (2) The name and quantity of narcotics, the quantity in each container, the number of containers, which were exported during the quarter, and the date of the exportation
- (3) The name and quantity of narcotics, the quantity in each container and the number of containers, which were received during the quarter, and the date of the receipt
- (4) The name and quantity of narcotics, the quantity in each container and the number of containers, which were possessed at the end of the quarter

**(Report by Narcotics Manufacturer, Narcotics Compounder or Manufacturer of Exempt Narcotics)**

**Article 44.** A narcotics manufacturer, narcotics compounder, or manufacturer of exempt narcotics shall quarterly report the following matters to the Minister of Health and Welfare within 15 days after the expiration of each quarter.

- (1) The name and quantity of narcotics, the quantity in each container and the number of containers, which were possessed at the beginning of the quarter
- (2) The name and quantity of narcotics used for the manufacture or compounding of narcotics or for the manufacture of exempt narcotics during the quarter
- (3) The name and quantity of narcotics manufactured, compounded or subdivided, or of exempt narcotics manufactured during the quarter, and the quantity in each container and number of containers of narcotics manufactured, compounded or subdivided during the quarter
- (4) The name and quantity of narcotics, the quantity of each container and the number of containers, which were transferred or received during the quarter, and the date of the transfer or receipt
- (5) The name and quantity of narcotics, the quantity of each container and the number of containers, which were possessed at the end of the quarter
- (6) Other matters provided in Ministry of Health and Welfare Ordinance

**(Report by Narcotics Central Wholesale Dealer)**

**Article 45.** A narcotics central wholesale dealer shall quarterly report the following matters to the Minister of Health and Welfare within 15 days after the expiration of each quarter.

- (1) The name and quantity of narcotics, the quantity in each container and the number of containers, which were possessed at the beginning of the quarter
- (2) The name and quantity of narcotics, the quantity in each container and the number of containers, which were transferred or received during the quarter, and the date of the transfer or receipt
- (3) The name and quantity of narcotics, the quantity in each container and the number of containers, which were possessed at the end of the quarter

**(Report by Narcotics Wholesale Dealer)**

**Article 46.** A narcotics wholesale dealer shall quarterly report any of the matters prescribed in the preceding article to the Governor of the Prefecture within 15 days after the expiration of each quarter.

2. The Governor of the Prefecture shall quarterly sum up the reports in the preceding paragraph and submit them to the Minister of Health and Welfare within 50 days after the expiration of each quarter.

**(Report by Narcotics Retail Dealer)**

**Article 47.** A narcotics retail dealer shall report the following matters to the Governor of the Prefecture not later than November 30 of each year.

- (1) The name and quantity of narcotics possessed on October 1 of the previous year
- (2) The name and quantity of narcotics transferred or received from October 1 of the previous year to September 30 of the year
- (3) The name and quantity of narcotics possessed on September 30 of the year

**(Report by Narcotics Administrator)**

**Article 48.** A narcotics administrator shall report the following matters to the Governor of the Prefecture not later than November 30 of each year.

- (1) The name and quantity of narcotics possessed by the proprietor of the narcotics medical institution concerned on October 1 of the previous year
- (2) The name and quantity of narcotics received by the proprietor of the narcotics medical institution concerned from October 1 of the previous year to September 30 of the year and the name and quantity of narcotics administered or supplied for administering during the same period at the narcotics medical institution concerned
- (3) The name and quantity of narcotics possessed by the proprietor of the narcotics medical institution concerned on September 30 of the year

**(Report by Narcotics Researcher)**

**Article 49.** A narcotics researcher shall report the following matters to the Governor of the Prefecture not later than November 30 of each year.

- (1) The name and quantity of narcotics under his charge on October 1 of the previous year
- (2) The name and quantity of narcotics which newly placed under his charge from October 1 of the previous year to September 30 of the year and the name and quantity of narcotics manufactured, compounded or used for scientific research during the same period
- (3) The name and quantity of narcotics under his charge on September 30 of the year

## **CHAPTER III CONTROL ON PSYCHOTROPICS**

### **Part 1. License and Registration**

**(License)**

**Article 50.** The license of a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, or psychotropics utilizer shall be granted by the Minister of Health and Welfare and that of a psychotropics wholesale dealer or

psychotropics retail dealer shall be granted by the Governor of the Prefecture with respect to each place of business for psychotropics.

2. The license may not be granted to the person who comes under any of the followings.

- (1) The structure and facilities of a psychotropics business establishment is not conformity with the standards in accordance with the provisions by the Health and Welfare Ministry Ordinance
- (2) Any person who comes under any of the following items from “a” to “f”
  - a. A person whose license has been canceled in accordance with the provision of Paragraph 2 of Article 51 and he has not passed 3 years after the date of the cancellation
  - b. A person who has sentenced to a penalty heavier than imprisonment and he has not passed 3 years after the completion of, or the effectuation of exemption of further execution of, his sentence
  - c. A person, except those who apply to any of the preceding two items, who has violated this law, Cannabis Control Law, Opium Law, Pharmacists Law, Pharmaceutical Affairs Law, or other laws or ordinances concerning pharmaceutical or medical affairs, or any of the dispositions made in accordance with these laws or ordinances, and he has not passed 2 years after the date of his violation thereof
  - d. A person adjudged incompetent
  - e. A psychotic person, narcotic addict or stimulant addict
  - f. A juridical person or organization having a person who comes under any of the preceding items among the officers conducting its business

**(Term of Validity of License)**

**Article 50-2.** The term of validity of license of psychotropics dealer shall be 3 years from the date of its grant.

**(Invalidation of License)**

**Article 50-3.** The license of a psychotropics dealer shall, in addition to the case of the expiration of the term of its validity and the case of its cancellation under the provision of Paragraph 2 of Article 51, become null and void in the case where the notification has been made in accordance with Paragraph 1 of Article 7 applied *mutatis mutandis* to the following article.

**(Provision to be Applied *Mutatis mutandis*)**

**Article 50-4.** The provisions of Article 4, Paragraph 1 and 3 of Article 7, and provisions in Articles from 8 to 10, shall apply *mutatis mutandis* to a psychotropics dealer. In these cases, “15 days” in the provisions in Paragraph 1 and 3 of Article 7 and in the provisions from Article 8 to 10, shall be read as “30 days”. In regard to these provisions, necessary technical interpretation in reading shall be provided by the Cabinet Ordinance.

**(Registration)**

**Article 50-5.** The registration of the proprietor of a psychotropics research institution established by the government shall be made by the Minister of Health and Welfare and that of other psychotropics research institution shall be made by the Governor of the Prefecture with respect to each place of psychotropics research institution.

2. The Minister of Health and Welfare or the Governor of the Prefecture may not register any person whose registration has been canceled in accordance with the provision of Paragraph 3 of Article 51 and who has not passed three years after the date of cancellation.

**(Invalidation of Registration)**

**Article 50-6.** The registration of the proprietor of a psychotropics research institution shall become null and void, in case where the registration has been canceled under the provision of Paragraph 3 of Article 51, or where a notification, provided in Paragraph 1 of Article 7 applied *mutatis mutandis* to the following article, has been made.

**(Provision to be Applied *Mutatis mutandis*)**

**Article 50-7.** The provisions of Article 4, Paragraphs 1 and 3 of Article 7, and provisions from Article 8 to 10 shall apply *mutatis mutandis* to the proprietor of a psychotropics research institution. In these cases, "15 days" in the provisions of Paragraph 1 and 3 of Article 7 and Articles from 8 to 10 shall be read as "30 days". In regard to these provisions, necessary technical interpretation in reading shall be provided by the Cabinet Ordinance.

**Part 2. Prohibition and Restriction****(Import)**

**Article 50-8.** No person other than a person who comes under any of the following items shall import psychotropics.

- (1) A psychotropics importer
- (2) A person who enter this country by having psychotropics with himself for the purpose of treatment of his disease and who comes any of those specified by the Ministry of Health and Welfare Ordinance
- (3) The proprietor of a psychotropics research institution who imports psychotropics for scientific research or testing
- (4) Any of those who are specified by the Ministry of Health and Welfare Ordinance

**(Import Permission)**

**Article 50-9.** A psychotropics importer shall, in case he intends to import psychotropics provided by the Cabinet Ordinance (hereinafter referred to as Schedule I Psychotropics), obtain the permission of Minister of Health and Welfare for each import.

2. A person who comes under Item (3) or (4) of the preceding article shall, in case he intends to import psychotropics, obtain the permission of the Minister of Health and Welfare for each import.

3. The provisions in Paragraphs 2, 3, 5 and 6 of Article 14, and Articles 15 and 16, apply *mutatis mutandis* to a person who intends to import Schedule I Psychotropics under the permission of the preceding two paragraphs.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 14,
- b) "narcotics" in Paragraph 2 of the same article,
- c) "Paragraph 1" in Paragraph 3 of the same article,
- d) "any of the matters of the preceding paragraph" in Paragraph 3 of the same article,
- e) "Paragraph 1" in Paragraph 5 of the same article,
- f) "Paragraph 2" in Paragraph 5 of the same article,
- g) "Paragraph 3" in Paragraph 6 of the same article,
- h) "a narcotics importer" in Articles 15 and 16, and
- i) "narcotics" in Articles 15 and 16

shall read as follows respectively;

- a) "Paragraph 1 or 2 of Article 50-9",
- b) "Schedule I Psychotropics",
- c) "Paragraph 1 or 2 of Article 50-9",
- d) "any of the matters in Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 3 of Article 50-9",
- e) "Paragraph 1 or 2 of Article 50-9",
- f) "Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 3 of 50-9",
- g) "Paragraph 3 of Article 14 applied *mutatis mutandis* to Paragraph 3 of Article 50-9",
- h) "a psychotropics importer or a person who comes under Item (3) or (4) of Article 50-8", and
- i) "Schedule I Psychotropics".

4. The provisions of Paragraphs 2, 3, 5 and 6 of Article 14, and Articles 15 and 16, shall apply *mutatis mutandis* to a person who intends to import psychotropics provided by Cabinet Ordinance (hereinafter referred to as "Schedule II Psychotropics") under the permission of Paragraph 2.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 14,
- b) "narcotics" in the same paragraph of the same article,
- c) "Paragraph 1" in Paragraph 3 of the same article,
- d) "any of the matters of the preceding paragraph" in the same paragraph of the same article,
- e) "Paragraph 1" in Paragraph 5 of the same article,
- f) "Paragraph 2" in the same paragraph of the same article,

- g) "import permission and certificate of the import permission" in the same paragraph of the same article,
- h) "Paragraph 3" in Paragraph 6 of the same article,
- i) "import permission and certificate of the import permission" in the same paragraph of the same article,
- j) "a narcotics importer" in Article 15,
- k) "narcotics" in the same article,
- l) "the certificate of the export permission issued by the Government of the exporting country" in the same article,
- m) "or...the certificate of the export permission" in the same article,
- n) "Narcotics importer" in Article 16, and
- o) "narcotics" in Article 16

shall read as follows respectively;

- a) "Paragraph 2 of Article 50-9",
- b) "Schedule II Psychotropics",
- c) "Paragraph 2 of Article 50-9",
- d) "any of the matters of Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 4 of Article 50-9",
- e) "Paragraph 2 of Article 50-9",
- f) "Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 4 of Article 50-9",
- g) "import permission",
- h) "Paragraph 3 of Article 14 applied *mutatis mutandis* to Paragraph 4 of Article 50-9",
- i) "import permission",
- j) "a person who comes under Item (3) or (4) of Article 50-8",
- k) "Schedule II Psychotropics",
- l) "export notification made out by the exporter (in case where the exporting country issues the certificate of the export permission, the said certificate of the export permission, and hereinafter referred to as such only in this article )",
- m) "or...the export notification",
- n) "A person who comes under Paragraph 3 or 4 of Article 50-8", and
- o) "Schedule II Psychotropics".

5. The provisions of Paragraph 2, 3, 5 and 6 of Article 14, and in Article 16, apply *mutatis mutandis* to a person who intends to import psychotropics other than Schedule I Psychotropics and Schedule II Psychotropics (hereinafter referred to as Schedule III Psychotropics), under the permission of Paragraph 2.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 14,
- b) "narcotics" in the same paragraph of the same article,
- c) "Paragraph 1" in Paragraph 3 of the same article,
- d) "any of the matters in the preceding paragraph" in the same paragraph of the same article,

- e) "Paragraph 1" in Paragraph 5 of the same article,
- f) "Paragraph 2" in the same paragraph of the same article,
- g) "import permission and certificate of the import permission" in the same paragraph of the same article,
- h) "Paragraph 3" in Paragraph 6 of the same article,
- i) "import permission and certificate of the import permission" in the same paragraph of the same article,
- j) "narcotics importer" in the Article 16, and
- k) "narcotics" in the same article

shall read as follows respectively;

- a) "Paragraph 2 of Article 50-9",
- b) "Schedule III Psychotropics",
- c) "Paragraph 2 of Article 50-9",
- d) "any of the matters in Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 5 of Article 50-9",
- e) "Paragraph 2 of Article 50-9",
- f) "Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 5 of Article 50-9",
- g) "import permission",
- h) "Paragraph 3 of Article 14 applied *mutatis mutandis* to Paragraph 5 of Article 50-9",
- i) "import permission",
- j) "a person comes under Item (3) or (4) of Article 50-8", and
- k) "Schedule III Psychotropics".

**(Submission of Export Notification)**

**Article 50-10.** A psychotropics importer shall, in case he has imported Schedule II Psychotropics, submit the export notification made out by the exporter (in case where the government of exporting country issues a certificate of export permission, the certificate of export permission, and hereinafter referred to as such in this article ) to the Minister of Health and Welfare within 10 days from the date of importation of the Schedule II Psychotropics or from the date of receipt of export notification.

**(Export)**

**Article 50-11.** No person other than a person who comes under any of the following items shall export psychotropics.

- (1) A psychotropics exporter
- (2) A person who leave this country by having psychotropics with himself for the purpose of treatment of his disease and who comes under any of those specified by the Ministry of Health and Welfare Ordinance
- (3) The proprietor of a psychotropics research institution who exports psychotropics to a person who uses psychotropics for scientific research or testing
- (4) Any of those who are specified by the Ministry of Health and Welfare Ordinance

**(Export Permission)**

**Article 50-12.** A psychotropics exporter shall, in case he intends to export Schedule I Psychotropics, obtain the permission of the Minister of Health and Welfare for each export.

2. A person who comes under Paragraph 3 or 4 of the preceding article shall, in case he intends to export psychotropics, obtain the permission of the Minister of Health and Welfare for each export.

3. The provisions from Paragraph 2 to 6 of Article 18 and in Article 19 apply *mutatis mutandis* to a person who intends to export Schedule I Psychotropics under the permission of the preceding two paragraphs.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 18,
- b) "matters" in the same paragraph of the same article,
- c) "narcotics" in the same paragraph of the same article,
- d) "Paragraph 1" in Paragraph 3 of the same article,
- e) "any of the matters of the preceding paragraph" in the same paragraph and article,
- f) "Paragraph 1" in Paragraph 4 of the same article,
- g) "matters prescribed in Paragraph 2" in the same paragraph of the same article,
- h) "Paragraph 3" in Paragraph 5 of the same article,
- i) "a narcotics exporter" in Paragraph 6 of the same article and in Article 19, and
- j) "narcotics" in the same paragraph of the same article and in Article 19

shall read as follows respectively;

- a) "Paragraph 1 or 2 of Article 50-12",
- b) "matters and the destination",
- c) "Schedule I Psychotropics",
- d) "Paragraph 1 or Paragraph 2 of Article 50-12",
- e) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 3 of Article 50-12",
- f) "Paragraph 1 or Paragraph 2 of Article 50-12",
- g) "matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 3 of Article 50-12",
- h) "Paragraph 3 of Article 18 applied *mutatis mutandis* to Paragraph 3 of Article 50-12",
- i) "Psychotropics exporter or a person who comes under Item (3) or Item (4) of Article 50-11", and
- j) "Schedule I Psychotropics".

4. The provisions from Paragraph 2 to 6 of Article 18 and Article 19 shall apply *mutatis mutandis* to a person who intends to export Schedule II Psychotropics under the permission of Paragraph 2.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 18,
- b) "matters" in the same paragraph of the same article,
- c) "a written application...accompanied by the certificate of the import permission issued by the Government of the importing country" in the same paragraph of the same article,
- d) "narcotics" in the same paragraph of the same article,
- e) "Paragraph 1" in Paragraph 3 of the same article,
- f) "any of the matters of the preceding paragraph" in the same paragraph of the same article,
- g) "Paragraph 1" in Paragraph 4 of the same article,
- h) "matters prescribed in Paragraph 2" in the same paragraph of the same article,
- i) "Paragraph 3" in Paragraph 5 of the same article,
- j) "A narcotics exporter" in Paragraph 6 of the same article and in Article 19, and
- k) "narcotics" in the same paragraph of the same article and in Article 19

shall read as follows respectively;

- a) "Paragraph 2 of Article 50-12",
- b) "matters and the destination",
- c) "a written application for permission",
- d) "Schedule II Psychotropics",
- e) "Paragraph 2 of Article 50-12",
- f) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 4 of Article 50-12",
- g) "Paragraph 2 of Article 50-12",
- h) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 4 of Article 50-12",
- i) "Paragraph 3 of Article 18 applied *mutatis mutandis* to Paragraph 4 of Article 50-12",
- j) "a person who comes under Item (3) or (4) of Article 50-11", and
- k) "Schedule II Psychotropics".

5. The provisions from Paragraph 2 to 5 of Article 18 and Article 19 shall apply *mutatis mutandis* to a person who intends to export Schedule III Psychotropics under the permission of Paragraph 2.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 18,
- b) "matters" in the same paragraph of the same article,
- c) "a written application...accompanied by the certificate of the import permission issued by the Government of the importing country" in the same paragraph of the same article,
- d) "narcotics" in the same paragraph of the same article,
- e) "Paragraph 1" in Paragraph 3 of the same article,
- f) "any of the matters of the preceding paragraph" in the same paragraph of the same article,
- g) "Paragraph 1" in Paragraph 4 of the same article,

- h) "matters prescribed in Paragraph 2" in the same paragraph of the same article,
- i) "export permission and certificate of the export permission" in the same paragraph of the same article,
- j) "Paragraph 3" in Paragraph 5 of the same article,
- k) "export permission and certificate of the export permission" in the same article
- l) "a narcotics exporter" in Article 19,
- m) "narcotics" in the same article, and
- n) "export permission and certificate of the export permission" in the same article

shall read as follows respectively;

- a) "Paragraph 2 of Article 50-12",
- b) "matters and the destination",
- c) "a written application for permission",
- d) "Schedule III Psychotropics",
- e) "Paragraph 2 of Article 50-12",
- f) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 5 of Article 50-12",
- g) "Paragraph 2 of Article 50-12",
- h) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 5 of Article 50-12",
- i) "export permission",
- j) "Paragraph 3 of Article 18 applied *mutatis mutandis* to Paragraph 5 of Article 50-12",
- k) "export permission",
- l) "a person who comes under Item (3) or (4) of Article 50-11",
- m) "Schedule III Psychotropics", and
- n) "export permission".

**(Special Provision for Export to Specified Areas)**

**Article 50-13.** A psychotropics exporter shall, in case he intends to export Schedule II Psychotropics (referred to as Specified Schedule II Psychotropics in the following paragraph) among the psychotropics designated by the Cabinet Ordinance (hereinafter referred to as Specified Psychotropics in this article and the following article ) or Schedule III Psychotropics among Specified Psychotropics (referred to as Specified Schedule III Psychotropics in Paragraph 3) to the destination in the area designated by Cabinet Ordinance (hereinafter referred to as Specified Area in this article and the following article) obtain the permission of the Minister of Health and Welfare for each export.

2. The provisions from Paragraph 2 to 6 of Article 18 and of Article 19 shall apply *mutatis mutandis* to a person who intends to export Specified Schedule II Psychotropics to the destination in the Specified Area under the permission of the preceding paragraph.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 18,

- b) "matters" in the same paragraph of the same article,
- c) "a written application...accompanied by the certificate of import permission issued by the government of the importing country" in the same paragraph of the same article,
- d) "narcotics" in the same paragraph of the same article,
- e) "Paragraph 1" in Paragraph 3 of the same article,
- f) "any of the matters of the preceding paragraph" in the same paragraph of the same article,
- g) "Paragraph 1" in Paragraph 4 of the same article,
- h) "matters prescribed in Paragraph 2" in the same paragraph of the same article,
- i) "Paragraph 3" in Paragraph 5 of the same article,
- j) "a narcotics exporter" in Paragraph 6 of the same article and in Article 19, and
- k) "narcotics" in the same paragraph of the same article and in Article 19

shall read as follows respectively;

- a) "Paragraph 1 of Article 50-13",
- b) "matters and the destination",
- c) "a written application for permission",
- d) "Specified Schedule II Psychotropics",
- e) "Paragraph 1 of Article 50-13",
- f) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 2 of Article 50-13,
- g) "Paragraph 1 of Article 50-13",
- h) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 2 of Article 50-13",
- i) "Paragraph 3 of Article 18 applied *mutatis mutandis* to Paragraph 2 of Article 50-13",
- j) "a psychotropics exporter", and
- k) "Specified Schedule II Psychotropics".

3. The provisions from Paragraphs 2 to 5 of Article 18 and Article 19 shall apply *mutatis mutandis* to a person who intends to export Specified Schedule III Psychotropics under the permission of Paragraph 1 to the destination of the Specified Area.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 18,
- b) "matters" in the same paragraph of the same article,
- c) "a written application...accompanied by the certificate of import permission issued by the government of the importing country" in the same paragraph of the same article,
- d) "narcotics" in the same paragraph of the same article,
- e) "Paragraph 1" in Paragraph 3 of the same article,
- f) "any of the matters of the preceding paragraph" in the same paragraph of the same article,
- g) "Paragraph 1" in Paragraph 4 of the same article,

- h) "matters prescribed in Paragraph 2" in the same paragraph of the same article,
- i) "export permission and certificate of export permission" in the same paragraph of the same article,
- j) "Paragraph 3" in Paragraph 5 of the same article,
- k) "export permission and certificate of export permission" in the same paragraph of the same article,
- l) "a narcotics exporter" in Article 19",
- m) "narcotics" in the same article, and
- n) "export permission and certificate of export permission" in Article 19

shall read as follows respectively;

- a) "Paragraph 1 of Article 50-13",
- b) "matters and the destination",
- c) "a written application for permission",
- d) "Specified Schedule III Psychotropics",
- e) "Paragraph 1 of Article 50-13",
- f) "any of the matters of Paragraph 2 of Article 18 applied to *mutatis mutandis* to Paragraph 3 of Article 50-13",
- g) "Paragraph 1 of Article 50-13",
- h) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 3 of Article 50-13",
- i) "export permission",
- j) "Paragraph 3 of Article 18 applied *mutatis mutandis* to Paragraph 3 of Article 50-13",
- k) "export permission",
- l) "a psychotropics exporter",
- m) "Specified Schedule III Psychotropics", and
- n) "export permission".

4. The Minister of Health and Welfare may not grant the permission of Paragraph 1 or of Paragraph 1 or 2 of the preceding article, pertaining to the export of Specified Psychotropics destined for a place in the Specified Area in case the Special Import Permission made out by the government of importing country has not received by him.

5. The Minister of Health and Welfare shall, in case he has granted permission of Paragraph 1 or of Paragraph 1 or 2 of the preceding article, pertaining to the export of Specified Psychotropics destined for a place in the Specified Area, issue the Special Import Permission made out by the government of the importing country in addition to the documents as prescribed in Paragraph 4 of Article 18 applied *mutatis mutandis* in Paragraph 2 or 3 or in paragraphs from 3 to 5 of the preceding article respectively.

6. A psychotropics exporter or a person who comes under Item (3) or (4) of Article 50-11 shall, in case he intends to export Specified Psychotropics destined for a place in the Specified Area, send the Special Import Permission made out by the government of the importing country, in addition to the documents provided by Paragraph 6 of Article 18 applied *mutatis mutandis* in Paragraph 2, or Paragraph 3 or 4 of the preceding article, attached to the psychotropics.

7. A person who comes under the provision of the preceding paragraph shall, in case he has failed to export Specified Psychotropics within the authorized period of exportation, under the permission of Paragraph 1, or Paragraph 1 or 2 of the preceding article, pertaining to the export of Specified Psychotropics destined for a place in the Specified Area, return the Special Import Permission issued by the government of the importing country, in addition to the documents prescribed respectively in Article 19 applied *mutatis mutandis* in Paragraph 2 or 3, or the paragraph from 3 to 5 of the preceding article, to the Minister of Health and Welfare within 10 days after the expiration of the period.

**(Export Notification, etc.)**

**Article 50-14.** A psychotropics exporter shall, in case he intends to export Schedule II Psychotropics (other than the case he intends to export Specified Psychotropics destined for a place in the Specified Area), submit the export notification (referred simply to as "export notification" in the following paragraph) including the names of the Schedule II Psychotropics and other matters provided by the Health and Welfare Ministry Ordinance, to the Minister of Health and Welfare.

2. A psychotropics exporter shall, in case he intends to export Schedule II Psychotropics (other than the case where he intends to export Specified Psychotropics destined for a place in the Specified Area) send the duplicate copy of the export notification attached to Schedule II Psychotropics.

**(Manufacture, etc.)**

**Article 50-15.** No person other than a psychotropics manufacturer/compounder shall manufacture, compound or subdivide psychotropics. Provided, however, that this provision shall not apply to the followings.

- (1) In the case where a person, who is engaged in scientific researches or testing at a psychotropics research institution (limited to the case where the proprietor thereof has been granted the registration under Paragraph 1 of Article 50-5, and referred to as such only in the following paragraph) manufactures, compounds, or subdivides them for such purposes
- (2) In other cases provided by the Ministry of Health and Welfare Ordinance

2. No person other than a psychotropics manufacturer/compounder or psychotropics utilizer shall transform psychotropics into any substances other than psychotropics with chemical processes. Provided, however, that this provision shall not apply to a case where a person engaged in scientific research or testing at a psychotropics research institution does so to perform his duties for scientific research or testing.

**(Transfer, etc.)**

**Article 50-16.** No person other than a psychotropics dealer (excluding psychotropics utilizer) shall transfer psychotropics or possess them for the purpose of transfer. Provided, however, that this provision shall not apply to the followings.

- (1) In case where a proprietor of a hospital, etc. transfers psychotropics to be supplied for administering or possesses them for the purpose of transfer

(2) In case where a proprietor of a psychotropics research institution transfers psychotropics to a proprietor of the other psychotropics research institution or possesses them for the purpose of transfer

(3) In other cases provided by the Ministry of Health and Welfare Ordinance

2. A psychotropics importer, psychotropics manufacturer/compounder or psychotropics wholesale dealer shall not transfer psychotropics to any person other than a psychotropics dealer (excluding psychotropics importer), the proprietor of a hospital, etc., and the proprietor of a psychotropics research institution. Provided, however, that this provision shall not apply to the case where a psychotropics manufacturer/compounder and psychotropics wholesale dealer who returns psychotropics which have received from a psychotropics importer, and other cases provided by the Ministry of Health and Welfare Ordinance.

3. A psychotropics exporter shall not transfer psychotropics to any person other than the case where he intends to export psychotropics. Provided, however, that this provision shall not apply to the case where a psychotropics dealer who returns the psychotropics which have received from a psychotropics dealer, and to other cases provided by the Ministry of Health and Welfare Ordinance.

4. A psychotropics retail dealer shall not transfer psychotropics to any person other than those who have psychotropics prescriptions.

Provided, however, that this provision shall not apply to the case where he returns psychotropics which have received from a psychotropics dealer and to other cases provided by the Ministry of Health and Welfare Ordinance.

**(Transfer by Psychotropics Retail Dealer)**

**Article 50-17.** A psychotropics retail dealer shall not, in the case where he transfers psychotropics to a person who has a psychotropics prescription, transfer any psychotropics other than those dispensed according to the psychotropics prescription.

**(Provision to be Applied *Mutatis mutandis*)**

**Article 50-18.** The provision of Article 19-2 shall apply *mutatis mutandis* to the psychotropics exporter, and the provision of Article 29-2 to the advertisement of psychotropics, provided that “narcotics” in Article 19-2 shall read “psychotropics”.

### **Part 3. Handling**

**(Description on Container and Wrapper)**

**Article 50-19.** No psychotropics dealer (excluding psychotropics retail dealer) shall transfer any psychotropics other than those bearing the mark “” and stating the following matters (hereinafter referred to as “matters required to be described” in this article) on the container and its immediate wrapper. Provided, however, that this shall not apply to the case where the “matters to be described” can not be described because of the insufficiency of the space on the container, or its immediate wrapper and where he transfers psychotropics bearing the “matters to be described” in the simplified manner provided by the Ministry of Health and Welfare Ordinance.

- (1) Name and quantity or content of each psychotropics ingredient
- (2) Other matters provided by the Ministry of Health and Welfare Ordinance

**(Psychotropics Administrator)**

**Article 50-20.** A psychotropics dealer shall have a psychotropics administrator at each place of business for psychotropics.

Provided, however, that this provision shall not apply to the case where a psychotropics dealer himself is a psychotropics administrator and takes charge of them at the place of business for psychotropics.

2. A psychotropics administrator shall exercise supervision over those who are engaged in handling of the psychotropics under his charge at the place of business for psychotropics to prevent them from committing a violation of the provision of this law or from non-observance of the disposition made under this law by the Minister of Health and Welfare or the Governor of the Prefecture.

3. No person other than any of those who are qualified under the Cabinet Ordinance as a pharmacist or a person who has necessary knowledge and experience concerning the handling of psychotropics shall be a psychotropics administrator.

4. A psychotropics dealer shall, in case where he had a psychotropics administrator or where he himself is a psychotropics administrator, notify, within 30 days, to the Minister of Health and Welfare, the name of a psychotropics administrator and other matters provided by the Ministry of Health and Welfare Ordinance, in the case of a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, or psychotropics utilizer, and to the Governor of the Prefecture in the case of a psychotropics wholesale dealer or psychotropics retail dealer. This shall apply in the same way to the change of a psychotropics administrator from one to another.

**(Custody, etc.)**

**Article 50-21.** A psychotropics handler shall, in order to prevent the abuse of psychotropics pursuant to the provisions of the Ministry of Health and Welfare Ordinance, take custody of or destroy the psychotropics which he possesses, or take other necessary measures thereof.

**(Report of Incidents)**

**Article 50-22.** A psychotropics handler shall, in case of loss, theft, disappearance or any other incident has occurred in respect of the psychotropics which he has possessed, promptly report, pursuant to the provisions of the Ministry of Health and Welfare Ordinance, the name and quantity of psychotropics and other matters necessary for making the circumstance of the incident clear, to the Minister of Health and Welfare in the case of a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, psychotropics utilizer or the proprietor of a psychotropics research institution under the registration granted by the Minister of Health and Welfare, and to the Governor of the Prefecture in the case of a psychotropics wholesale dealer, psychotropics retail dealer, the proprietor of a

hospital, etc., the proprietor of psychotropics research institution under the registration granted by the Governor of the Prefecture.

2. The Governor of the Prefecture shall, in case he has received the report of the preceding paragraph, promptly report to the Minister of Health and Welfare.

#### **Part 4. Record and Report Concerning Business**

**(Record)**

**Article 50-23.** A psychotropics dealer (excluding psychotropics retail dealer) shall record the following matters.

- (1) Name and quantity of psychotropics imported, exported, manufactured, compounded or subdivided, psychotropics used for the manufacture or compounding of psychotropics, or psychotropics used as material for chemically transformed substances of psychotropics (signifying any substance other than psychotropics transformed with chemical processes by a psychotropics manufacturer/compounder or psychotropics utilizer, and referred to as such in the following Items and in the following article), and the date thereof
- (2) The name, quantity and purpose of use of the chemically transformed substances of psychotropics
- (3) The name and quantity of psychotropics (excluding Schedule III Psychotropics and referred to as such in the following item) transferred, received, destroyed, and the date thereof
- (4) The name or its equivalent and address of the other party of import, or export, or to transfer or receipt of psychotropics

2. A psychotropics retail dealer and a proprietor of a hospital, etc., shall record the following matters.

- (1) The name and quantity of psychotropics transferred, received, or destroyed (excluding Schedule III Psychotropics, psychotropics transferred to a person who possesses a psychotropics prescription, and psychotropics provided by the Minister of Health and Welfare Ordinance, and referred to as such in the following items) and the date thereof
- (2) The name or its equivalent or address of the other party of transfer or receipt of psychotropics

3. A proprietor of a psychotropics research institution shall record the following matters.

- (1) The name and quantity of psychotropics imported, exported, or manufactured, and the date thereof
- (2) The name and quantity of psychotropics transferred, received, or destroyed (excluding Schedule III Psychotropics, and referred to as such in the following item) and the date thereof

(3) The name or its equivalent and address of the other party of import or export, or to transfer or receipt of Psychotropics

4. A psychotropics handler shall preserve the record as prescribed by the preceding three paragraphs for two years from the date of final record at a place of business for psychotropics, hospital, etc., or psychotropics research institution.

**(Report)**

**Article 50-24.** A psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder and psychotropics utilizer shall report the following matters to the Minister of Health and Welfare not later than the end of February of each year.

- (1) The name and quantity of psychotropics imported, exported, manufactured, compounded or subdivided, used for the manufacture or compounding of psychotropics, or used as materials for chemically transformed substances of psychotropics during the preceding year
- (2) The name and quantity of Schedule I Psychotropics possessed at the beginning of the preceding year and the name and quantity of them possessed at the end of the same year
- (3) Other matters provided by the Ministry of Health and Welfare Ordinance

2. The proprietor of a psychotropics research institution shall report the following matters not later than the end of February of each year to the Minister of Health and Welfare in the case of the proprietor of a psychotropics research institution under the registration granted by the Minister of Health and Welfare and to the Governor of the Prefecture in the case of the proprietor of psychotropics research institution under the registration granted by the Governor of the Prefecture.

- (1) The name and quantity of psychotropics imported, exported, or manufactured during the preceding year
- (2) Other matters provided by the Ministry of Health and Welfare Ordinance

3. The Governor of the Prefecture shall report to the Minister of Health and Welfare the matters reported in accordance with the preceding paragraph en bloc not later than April 30 of the year.

## **Part 5. Miscellaneous Provisions**

**(Exemption, etc.)**

**Article 50-25.** As to the psychotropics listed in "12" in Table III, a part or parts of this law may be exempted from application and other necessary special regulations may be provided by the Cabinet Ordinance in case any of those substances is stipulated by the Ministry of Health and Welfare Ordinance that there is no fear of abuse of it, and that it has no harmful effect.

**(Special Provision for the Proprietor of a Pharmacy, etc.)**

**Article 50-26.** In connection with the application of the provisions of this law (excluding Article 50-4 and Paragraph 4 of Article 50-20), a person who has been granted license (including the renewal thereof) to establish a pharmacy in accordance with the Pharmaceutical Affairs Law (hereinafter referred to as the proprietor of a pharmacy in this article) or a person who has been obtained the license for the professional sale of drugs (excluding drugs as provided by Article 83 of the same Law. Hereinafter referred to as such in this article) shall be regarded as the person who has obtained the license of psychotropics wholesale dealer and as the person who has obtained the license of a psychotropics retail dealer in accordance with the provisions of Paragraph 1 of Article 50, or the person who has obtained the license of psychotropics wholesale dealer in accordance with the same paragraph respectively. Provided, however, that this provision shall not apply to the case where the proprietor of a pharmacy concerned or a person who has been obtained the license for the professional sale of drugs has made a different notification to the Governor of the Prefecture in accordance with the Ministry of Health and Welfare Ordinance.

2. The license of a person who has been regarded as the person obtained the license for a psychotropics wholesale dealer or psychotropics retail dealer in accordance with the provision of the preceding paragraph shall become null and void in accordance with the provision of Article 50-3. This shall also apply to a case where comes under any of the following items.

- (1) Where the validity of license of Paragraph 1 of Article 5 or Paragraph 1 of Article 26 of the Pharmaceutical Affairs Law has become null and void in accordance with Paragraph 2 of Article 5 or Paragraph 2 of Article 24 of the same law
- (2) Where a notification as provided by Article 10 of the Pharmaceutical Affairs Law (including the case where Article 38 of the same law is applied *mutatis mutandis*) has been submitted (limited only to the Notification of Closing of Business)
- (3) Where the licensee of Paragraph 1 of Article 5 or Paragraph 1 of Article 26 of the Pharmaceutical Affairs Law has been canceled in accordance with the provision of Paragraph 1 of Article 75 of the same law

3. In the case of text of the Paragraph 1, the manager of a pharmacy as prescribed by Paragraph 3 of Article 8 of the Pharmaceutical Affairs Law concerning the pharmacy established by the proprietor of the pharmacy, or the manager of a drug seller as prescribed in Paragraph 3 of Article 8 of the same law applied *mutatis mutandis* to Article 27 of the same law concerning a person who has obtained the license for the professional sale of drugs, shall be regarded as a psychotropics administrator provided for in Paragraph 1 of Article 50-20.

4. The Governor of the Prefecture shall, in the case where he has received a notification of the provision of Paragraph 1, and in the case where the license of a person who has been regarded as the person who obtained the license of a psychotropics wholesale dealer or psychotropics retail dealer in accordance with the provisions of the same paragraph, has been canceled in accordance with the provision of Paragraph 2 of Article 51 (only where the professional business of a pharmacy or a

drug seller has continuously been carried out), make the public notice stating to that effect.

## **CHAPTER III-2 NOTIFICATION, ETC. CONCERNING NARCOTICS/PSYCHOTROPICS RAW MATERIAL**

### **(Notification Concerning Business)**

**Article 50-27.** A person who intends to become a narcotics/psychotropics raw material importer, narcotics/psychotropics raw material exporter, specified narcotics/psychotropics raw material manufacturer, or specified narcotics/psychotropics raw material wholesale/retail dealer shall notify, in advance, his name, address and other matters provided by the Ministry of Health and Welfare Ordinance with respect to each place of business for narcotics/psychotropics raw material (which shall be limited to specified narcotics/psychotropics raw materials in case of a specified narcotics/psychotropics raw material manufacturer or specified narcotics/psychotropics raw material wholesale/retail dealer, and referred to as such in the provision of Paragraph 1 of the succeeding article and Paragraph 2 of Article 50-34) to the Minister of Health and Welfare in the case of a narcotics/psychotropics raw material importer or narcotics/psychotropics raw material exporter or a specified narcotics/psychotropics raw material manufacturer, and to the Governor of the Prefecture in the case of a specified narcotics/psychotropics raw material wholesale/retail dealer. The same shall apply to any alteration in matters notified by a narcotics/psychotropics raw material importer, narcotics/psychotropics raw material exporter, specified narcotics/psychotropics raw material manufacturer, or specified narcotics/psychotropics raw material wholesale/retail dealer.

### **(Notification of Discontinuation of Business)**

**Article 50-28.** A narcotics/psychotropics raw material importer, narcotics/psychotropics raw material exporter, specified narcotics/psychotropics raw material manufacturer, or specified narcotics/psychotropics raw material wholesale/retail dealer shall, in case he has discontinued his business regarding narcotics/psychotropics raw materials (which shall be limited to specified narcotics/psychotropics raw materials in case of a specified narcotics/psychotropics raw material manufacturer or specified narcotics/psychotropics raw material wholesale/retail dealer, and referred to as such in the provision of Paragraph 1 of Article 50-34) at the place of business for narcotics/psychotropics raw materials regarding which the notification of the preceding article was made, notify within 30 days, to the Minister of Health and Welfare in the case of a narcotics/psychotropics raw material importer or narcotics/psychotropics raw material exporter or specified narcotics/psychotropics raw material manufacturer, and to the Governor of the Prefecture in the case of a specified narcotics/psychotropics raw material wholesale/retail dealer.

2. A successor, an administrator of the estate in lieu of the successor, a liquidator, an administrator in bankruptcy, or a representative of the juridical person who remains in existence after amalgamation with another one or of the new juridical person established as the result of the amalgamation shall, in case the narcotics/psychotropics raw material importer, narcotics/psychotropics raw material exporter, specified

narcotics/psychotropics raw material manufacturer, or specified narcotics/psychotropics raw material wholesale/retail has been deceased or dissolved, notify within 30 days, to the Minister of Health and Welfare in the case of the decease or dissolution of a narcotics/psychotropics raw material importer or a narcotics/psychotropics raw material exporter or specified narcotics/psychotropics raw material manufacturer, and to the Governor of the Prefecture in case of the decease or dissolution of a specified narcotics/psychotropics raw material wholesale/retail dealer.

**(Import Notification by Narcotics/Psychotropics Raw Material Importer)**

**Article 50-29.** A narcotics/psychotropics raw material importer who intends to import narcotics/psychotropics raw material provided for in the Cabinet Ordinance shall notify to the Minister of Health and Welfare the following matters for each import.

- (1) The name and quantity of narcotics/psychotropics raw material provided by the Cabinet Ordinance to be imported
- (2) The name and address of the exporter
- (3) The period of importation

**(Export Notification by Narcotics/Psychotropics Raw Material Exporter)**

**Article 50-30.** A narcotics/psychotropics raw material exporter who intends to import narcotics/psychotropics raw material provided for in the Cabinet Ordinance shall report to the Minister of Health and Welfare the following matters for each export.

- (1) The name and quantity of narcotics/psychotropics raw material provided by the Cabinet Ordinance to be exported
- (2) The name and address of the importer
- (3) The period of exportation
- (4) The destination

2. A narcotics/psychotropics raw material exporter, who intends to export narcotics/psychotropics raw material provided for in the Cabinet Ordinance to any of the areas provided for in the Cabinet Ordinance as the destination shall notify to the Minister of Health and Welfare the following matters for each import.

- (1) The name and quantity of narcotics/psychotropics raw material provided by the Cabinet Ordinance to be exported
- (2) The name and address of the importer
- (3) The period of exportation
- (4) The destination

**(Import Notification by A Person Who Is Not A Narcotics/Psychotropics Raw Material Importer)**

**Article 50-31.** A person who is not a narcotics/psychotropics raw material importer and intends to import narcotics/psychotropics raw material shall notify to the Minister of Health and Welfare the following matters for each import, unless the narcotics/psychotropics raw material to be imported is in an amount less than that provided by the Ministry of Health and Welfare Ordinance.

- (1) The name and quantity of narcotics/psychotropics raw material to be imported
- (2) The name and address of the exporter
- (3) The period of importation

**(Export Notification by A Person Who Is Not A Narcotics/Psychotropics Raw Material Exporter)**

**Article 50-32.** A person who is not a narcotics/psychotropics raw material exporter and intends to export narcotics/psychotropics raw material shall notify to the Minister of Health and Welfare the following matters for each export, unless the narcotics/psychotropics raw material to be exported is in an amount less than that provided by the Ministry of Health and Welfare Ordinance.

- (1) The name and quantity of narcotics/psychotropics raw material to be exported
- (2) The name and address of the importer
- (3) The period of exportation
- (4) The destination

**(Report of Incidents, etc.)**

**Article 50-33.** A narcotics/psychotropics raw material dealer shall, in case of theft, disappearance or any other incident has occurred in respect to narcotics/psychotropics raw material which he has possessed, promptly report the name and quantity of the narcotics/psychotropics raw material and other information necessary for making the circumstances of the incident clear in accordance with the Ministry of Health and Welfare Ordinance, to the Minister of Health and Welfare in the case of a narcotics/psychotropics raw material importer or narcotics/psychotropics raw material exporter or narcotics/psychotropics raw material manufacturer, and to the Governor of the Prefecture in the case of a narcotics/psychotropics raw material wholesale/retail dealer.

2. A narcotics/psychotropics raw material dealer shall, in case there is reason to believe that the export, import, manufacture, subdividing or transfer of narcotics/psychotropics raw material he is to deal with comes under any of those cases provided in the Ministry of Health and Welfare Ordinance as being allegedly associated with the manufacture of narcotics or psychotropics prohibited under the provisions of Paragraph 1 of Article 12, Paragraph 1 of Article 20, or Paragraph 1 of Article 50-15, promptly report that effect and other information provided by the Ministry of Health and Welfare Ordinance, to the Minister of Health and Welfare in the case of a narcotics/psychotropics raw material importer or narcotics/psychotropics raw material exporter or narcotics/psychotropics raw material manufacturer, and to the Governor of the Prefecture in the case of a narcotics/psychotropics raw material wholesale/retail dealer.

3. The Governor of the Prefecture shall, in case he has received the report provided in the preceding two paragraphs, promptly report to the Minister of Health and Welfare.

**(Record)**

**Article 50-34.** A narcotics/psychotropics raw material importer, narcotics/psychotropics raw material exporter, specified narcotics/psychotropics raw material manufacturer, or

specified narcotics/psychotropics raw material wholesale/retail dealer shall record the following matters.

- (1) The name and quantity of narcotics/psychotropics raw material imported, exported, manufactured, subdivided, transferred or received, and the date thereof
- (2) The name and address of the other party of the import, the export, the transfer, or the receipt of narcotics/psychotropics raw material

2. A narcotics/psychotropics raw material importer, narcotics/psychotropics raw material exporter, specified narcotics/psychotropics raw material manufacturer, or specified narcotics/psychotropics raw material wholesale/retail dealer shall preserve the record prescribed by the preceding paragraph for 2 years from the date of final record at the place of business for narcotics/psychotropics raw material.

**(Provision to be Applied *Mutatis mutandis*)**

**Article 50-35.** The provision of Article 19-2 shall apply *mutatis mutandis* to narcotics/psychotropics raw material importer. "Narcotics" therein shall read "narcotics/psychotropics raw materials".

**(Exemption, etc.)**

**Article 50-36.** As to the narcotics/psychotropics raw material, this law may be exempted from application and other necessary special regulations may be provided by the Cabinet Ordinance in case any of those substances is stipulated by the Ministry of Health and Welfare Ordinance that it is extremely difficult to be used for manufacture of narcotics or psychotropics because of its composition, property and other characteristics.

**(Notification to Minister(s) Concerned)**

**Article 50-37.** The Minister of Health and Welfare shall, as considered necessary, notify other minister(s) concerned of the matters reported under the provisions of Article 50-27 and Article 50-28 to seek for his (their) assistance.

## **CHAPTER IV SUPERVISION**

**(Collection of Reports, etc.)**

**Article 50-38.** The Minister of Health and Welfare or the Governor of the Prefecture may, in case where he deems there are necessities in exercising control over narcotics or psychotropics, collect necessary report from a narcotics handler, psychotropics handler or any other person concerned and may have a narcotics control officer or prefectural narcotics control official or other competent official enter the place of business for narcotics, place of business for psychotropics, hospital, etc., psychotropics research institution or any other places concerned with the narcotics or psychotropics, examine books and other things, put a question to the persons concerned, or take away, only in the minimum amount necessary for the identification,

narcotics, exempt narcotics, psychotropics, or any other substance suspected of being as such.

2. The Minister of Health and Welfare or the Governor of the Prefecture may, to the extent required to investigate the actual import, export, manufacture, subdivision, transfer or receipt of narcotics/psychotropics raw material, collect necessary report from a narcotics/psychotropics raw material dealer or any other person concerned and may have a narcotics control officer, a prefectural narcotics control official or other competent official enter a place of business for narcotics/psychotropics raw material or any other places concerned with the narcotics/psychotropics raw material and examine books, other things.

3. The officer or official in the preceding two paragraph shall carry identity card showing his status and present it on demand of the persons concerned.

4. The power provided in Paragraph 1 or Paragraph 2 shall not be interpreted as having been authorized for criminal investigation.

**(Order for Action)**

**Article 50-39.** In case where the Minister of Health and Welfare as to a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, psychotropics utilizer and the proprietor of a psychotropics research institution registered with him; or the Governor of the Prefecture as to a psychotropics wholesale dealer, psychotropics retail dealer, the proprietor of a hospital, etc., and the proprietor of a psychotropics research institution registered with him, considers that there is reason to believe any of them has violated the provisions of Article 50-21, he may order, by fixing the period of time, the alternation of methods of keeping psychotropics in custody or destruction thereof, or other necessary action to be taken.

**(Order for Improvement)**

**Article 50-40.** In case where the Minister of Health and Welfare as to a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, or psychotropics utilizer; or the Governor of the Prefecture as to a psychotropics wholesale dealer or psychotropics retail dealer, considers that there is reason to believe that the structure and facilities of a place of business for psychotropics has become no longer in conformity with the standards of the Ministry of Health and Welfare Ordinance stipulated in the provision of Item (1) of Paragraph 2 of Article 50, he may order the improvement of the structure and facilities thereof or prohibit the use of a part or the whole of the place of business for psychotropics until the completion thereof.

**(Order for Change of Psychotropics Administrator)**

**Article 50-41.** The Minister of Health and Welfare as to the psychotropics administrator placed by a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, a psychotropics utilizer; or the Governor of the Prefecture as to psychotropics administrator placed by a psychotropics wholesale dealer, or the psychotropics retail dealer, in case the psychotropics administrator has violated the provisions of this Law or provisions of other laws and ordinances concerning the

pharmaceutical affairs, disposition based on the provisions thereof or has been found unqualified as a psychotropics administrator, may order the psychotropics dealer concerned the change of the psychotropics administrator from one person to another.

**(Cancellation of License, etc.)**

**Article 51.** The Minister of Health and Welfare as to a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics, or narcotics central wholesale dealer; or the Governor of the Prefecture as to a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics researcher, in case any of the persons mentioned above has violated the provisions of this law or the disposition made by the Minister of Health and Welfare or by the Governor of the Prefecture under the provisions of this law or the conditions stipulated for the license or permission, or has come under any of Items (2) through (6) of Paragraph 3 of Article 3, may cancel the license or order the suspension of the business or research work concerning narcotics by fixing the period for the suspension.

2. The Minister of Health and Welfare as to a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder or psychotropics utilizer; or the Governor of the Prefecture as to a psychotropics wholesale dealer or psychotropics retail dealer, in case any of the persons mentioned above has violated the provisions of this Law or the dispositions made by the Minister of Health and Welfare or by the Governor of the Prefecture under the provisions of this law, or the conditions stipulated for the license or permission, or has come under any provision from "b" to "f" in Item (2) of Paragraph 2 of Article 50, may cancel the license or order the suspension of the business concerning psychotropics by fixing the period for the suspension.

3. The Minister of Health and Welfare as to the proprietor of a psychotropics research institution registered by the Minister of Health and Welfare; or the Governor of the Prefecture as to the proprietor of a psychotropics research institution registered by the Governor of the Prefecture, in case any of the persons mentioned above has violated the provisions of this law or the dispositions made by the Minister of Health and Welfare or by the Governor of the Prefecture based on this Law, may cancel the registration.

**(Hearing)**

**Article 52.** The Minister of Health and Welfare or the Governor of the Prefecture shall, in case he intends to take action in accordance with the preceding two articles, hold in advance a public hearing by requesting a narcotics handler and psychotropics dealer (in case an action is intended to be taken in accordance with the provision of Article 50-41, a psychotropics dealer and a psychotropics administrator provided in the same article shall be regarded as such persons, and hereinafter referred to as such in this article) or the proprietor of a psychotropics research institution concerned or his agent to appear.

2. In the case of the preceding paragraph, the Minister of Health and Welfare or the Governor of the Prefecture shall notify the narcotics handler, psychotropics dealer or the proprietor of a psychotropics research institution concerned of the reasons for disposition to be made, and the date and place of the hearing not less than 1 week prior to the date of hearing and shall make the public notice of the date and the place of the hearing.

3. At the hearing, the narcotics handler and psychotropics dealer or the proprietor of a psychotropics research institution concerned or his agent, may give an explanation on behalf of himself or his principal and submit evidence in defense of himself or his principal.

4. The Minister of Health and Welfare or the Governor of the Prefecture may, in case the narcotics handler, psychotropics dealer or the proprietor of a psychotropics research institution concerned or his agent has failed to appear without good reason, make the disposition under the provisions of the preceding two articles without holding a hearing.

**Article 53. Deleted.**

**(Narcotics Control Officer and Prefectural Narcotics Control Official)**

**Article 54.** The Ministry of Health and Welfare shall have narcotics control officers and the Prefecture shall have prefectural narcotics control officials.

2. The numbers of narcotics control officers and the respective numbers of prefectural narcotics control officials in the Prefecture shall be fixed by the Cabinet Ordinance.

3. The necessary matters concerning the qualification of a narcotics control officer and local narcotics control official shall be provided in the Cabinet Ordinance.

4. A narcotics control officer shall be appointed from among the officials of the Ministry of Health and Welfare by the Minister of Health and Welfare, and a prefectural narcotics control official shall be appointed from among the officials of the Prefecture by the Governor of the Prefecture after consultation with the Chief Prosecutor of the District Public Prosecutor's Office in the same level with the district court having jurisdiction over the principal place of duty of the prefectural narcotics control official to be appointed.

5. A narcotics control officer, under the supervision of the Minister of Health and Welfare, and a prefectural narcotics control official, under the supervision of the Governor of the Prefecture, shall perform the duties of a judicial police officer under the provisions of the Criminal Procedure Code (Law No. 131 of 1948) in relation to violations of this Law, the Cannabis Control Law, Opium Law, Stimulants Control Law (Law No. 252 of 1951), Law Concerning Special Provisions for the Narcotics and Psychotropics Control Law, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conducts and Other Activities Involving Controlled Substances through International Cooperation (Law No. 94 of 1991), or violations of the

provisions of Chapter 14, Part 2 of the Penal Code (Law No. 45 of 1907), or crimes committed due to the addiction to narcotics, opium or stimulants.

6. The judicial police officer under the provision of the preceding paragraph and the other judicial police personnel shall cooperate mutually in the performance of their duties.

7. A narcotics control officer and prefectural narcotics control official may, in case they perform their duties as a judicial police officer, carry a small-sized weapon.

8. The provisions of Article 7 of Law concerning Execution of Duties of Police Officials (Law No. 136 of 1948) shall apply *mutatis mutandis* to the use of the weapon in the preceding paragraph by a narcotics control officer and prefectural narcotics control official.

**(Place of Performance of Duties of Narcotics Control Officer)**

**Article 55.** A narcotics control officer shall belong to a regional narcotics control office to be established under the provisions of a separate law and perform his duties within the jurisdictional area of the regional narcotics control office to which he belongs.

2. A narcotics control officer may perform his duties even outside the jurisdictional area of the regional narcotics control office to which he belongs where it is necessary for investigation.

**(Cooperation between Narcotics Control Officer and Prefectural Narcotics Control Official)**

**Article 56.** The Minister of Health and Welfare may, in case he considers specially necessary for investigation, request the Governor of the Prefecture to make the prefectural narcotics control officials under his jurisdiction cooperate with the narcotics control officers in respect of the specific case. In this case, the prefectural narcotics control officials concerned shall be under the supervision and direction of the Minister of Health and Welfare within the limits necessary for investigation.

2. The Governor of the Prefecture may, in case he considers specially necessary for investigation, apply to the Minister of Health and Welfare for the cooperation, in respect of the specific case, of the narcotics control officers who belong to the regional narcotics control office having jurisdiction over the area of the Prefecture concerned. In this case, the Minister of Health and Welfare shall, if he considers it adequate, make the narcotics control officers concerned cooperate.

**(Prefectural Narcotics Control Official and Duty Area)**

**Article 57.** In case of necessity for investigation in addition to the case provided in the preceding paragraph, a prefectural narcotics control official may, when he has obtained the permission of the Minister of Health and Welfare, perform his duties even outside the area of the Prefecture to which he belongs.

**(Receipt of Narcotics by Narcotics Control Officer and Prefectural Narcotics Control Official)**

**Article 58.** Notwithstanding the provisions of this Law, a narcotics control officer and prefectural narcotics control official may, in connection with criminal investigation of narcotics crimes, receive narcotics from any person under the permission of the Minister of Health and Welfare.

**CHAPTER V  
MEASURES FOR NARCOTIC ADDICTS, ETC.**

**(Report by Medical Practitioner, etc.)**

**Article 58-2.** A medical practitioner shall, in case he has diagnosed, as a result of the medical examination, that the medical examinee is a narcotic addict, promptly report the name, domicile, age, sex of such person and other matters provided in ministry of Health and Welfare Ordinance to the Governor of the Prefecture having jurisdiction over such person's place of residence (signifying the place where such person is at present, in case such person has no place of residence or such place is unknown, and referred to as such hereinafter only in this Chapter).

2. The Governor of the Prefecture shall, in case he has received the report in the preceding paragraph, report to that effect to the Minister of Health and Welfare without undue delay.

**(Report by Narcotics Control Officer, etc.)**

**Article 58-3.** A narcotics control officer, a prefectural narcotics control official, a policeman and a maritime safety official shall, in case he has found any narcotic addict or any person who is suspected to be a narcotic addict, promptly report the name, domicile, age and sex of such person, and the reason why such person is considered to be a narcotic addict or a person who is suspected to be a narcotic addict, to the Governor of the Prefecture having jurisdiction over such person's place of residence.

**(Report by Public Prosecutor)**

**Article 58-4.** A public prosecutor shall, in case he has taken measures of non-prosecution to a suspect who is a narcotic addict or who is suspected to be a narcotic addict, or in case a judgement of a court (excluding an adjudication in which, imprisonment with forced labor, imprisonment without forced labor, or penal detention has been pronounced without suspension of execution of sentence thereof) has become finally binding with respect to the accused who is a narcotic addict or who is suspected to be a narcotic addict, promptly report the name, domicile, age and sex of such person to the Governor of the Prefecture having jurisdiction over such person's place of residence.

**(Report by Chief of Correctional Institution)**

**Article 58-5.** The chief of a correctional institution (signifying Prison, Reform and Training School, Juvenile Detention House and Juvenile Classification Home, and Woman's Guidance Home) shall, in case he releases an inmate who is a narcotic addict

or who is suspected to be a narcotic addict, report in advance the name, place of return, age and sex of such person, date of release, the name and domicile of the caretaker of such person, and the reason why such person is considered to be a narcotic addict or a person who is suspected to be a narcotic addict, to the Governor of the Prefecture having jurisdiction over such person's place of return (signifying the location of the correctional institution concerned, in case such person has no place of return or such place is unknown).

**(Medical Examination of Narcotic Addicts, etc.)**

**Article 58-6.** The Governor of the Prefecture may, in case he considers necessary with respect to a narcotic addict or a person who is suspected to be a narcotic addict, have the designated physician of mental health examine such person.

2. In the case of the preceding paragraph, the designated physician of mental health shall, when he has diagnosed, under the methods and the standards provided in the Cabinet Ordinance, whether the medical examinee is a narcotic addict and whether it is necessary to adopt the measures of the hospitalization under the provisions of Article 58-8 with respect to such person and, as a result of the diagnosis, considers it necessary to adopt the measures of the hospitalization, under the provisions of the same article, determine provisionally the period of the hospitalization within a period not more than 30 days pending the governor's decision under the provision of Paragraph 6 of the same article with respect to the narcotic addict in question.

3. The designated physician of mental health may, in case he considers necessary in order to conduct the medical examination in accordance with the provision of Paragraph 1, request the medical examinee to appear at the place to be used for that purpose or, within the necessary limit, to remain at the said place.

4. The Governor of the Prefecture shall, in case he have the designated physician of mental health examine a medical examinee in accordance with the provision of Paragraph 1, have a competent official attend the place of such examination.

5. The designated physician of mental health and a competent official may enter the place where the medical examinee resides, within the limit necessary for performing their duties in Paragraph 1 and the preceding paragraph.

6. The provisions of Paragraphs 3 and 4 of Article 50-38 shall apply *mutatis mutandis* to the entry in the preceding paragraph.

7. The designated physician of mental health shall, in case he conducts a medical examination under the provision of Paragraph 1, be careful not to hurt the honor of the medical examinee, and afford such examinee an opportunity of expressing his opinions on the matters provided in Paragraph 2.

8. The Governor of the Prefecture shall, in case the medical examinee, as a result of the medical examination under the provision of Paragraph 1, has been diagnosed as a

narcotic addict, report to that effect to the Minister of Health and Welfare without undue delay.

9. The Minister of Health and Welfare shall, in case he intends to ask for a Cabinet conference concerning the institution, alternation or abolition of Cabinet Ordinance under the provision of Paragraph 2, hear the opinion of the National Public Health Council in advance.

**(Duties of the Designated Physician of Mental Health)**

**Article 58-7.** The designated physician of mental health shall, in addition to performing his duties provided in Paragraph 2 of Article 18 of Mental Health Law (Law No. 123 of 1950), perform his duties designated by the Governor of the Prefecture as provided for in the preceding article.

**(Measures of Hospitalization)**

**Article 58-8.** The Governor of the Prefecture may, in case he finds, as a result of the medical examination by the designated physician of mental health under the provision of Paragraph 1 of Article 58-6, that the medical examinee is a narcotic addict and, if not hospitalized, regarding from the symptoms, the character and conduct, and the circumstances of such examinee, is particularly liable to repeatedly use narcotics, cannabis or opium owing to his narcotic addiction hospitalize such examinee to the hospital provided by Ministry of Health and Welfare Ordinance (hereinafter referred to as "Hospital for treatment of narcotic addict") and conduct the necessary medical treatment.

2. The administrator of a hospital for treatment of narcotic addict shall, in case he finds it necessary to continue hospitalization exceeding the period determined by the designated physician of mental health in accordance with the provision of Paragraph 2 of Article 58-6, with respect to the person who has been hospitalized to the hospital for treatment of narcotic addict in accordance with the provision of the preceding paragraph (hereinafter referred to as "hospitalized addict"), report the reason therefor and the period necessary for the further hospitalization to the Governor of the Prefecture.

3. The Governor of the Prefecture shall, in case he has received the report in the preceding paragraph and finds it necessary to continue hospitalization with respect to the hospitalized addict, report the reason therefor and the period necessary for the further hospitalization to the Narcotic Addiction Examination Committee and request the Committee to examine whether the reason and the period are adequate or not.

4. The Narcotic Addiction Examination Committee shall, in case the Committee has been requested in accordance with the provision of the preceding paragraph, examine whether the matters in question are adequate and report its decision thereof to the Governor of the Prefecture without undue delay. In this case, the Narcotic Addiction Examination Committee shall, when the Committee considers it adequate to discharge the hospitalized addict prior to the expiration of the period determined by the designated physician of mental health in accordance with the provision of Paragraph 2

of Article 58-6, report the date when the hospitalized addict is to be discharged to the Governor of the Prefecture.

5. The Narcotic Addiction Examination Committee shall, in case the Committee makes an examination under the preceding paragraph, hear the opinions of the hospitalized addict and the medical practitioner in charge of the treatment of the hospitalized addict in the hospital for treatment of narcotic addict.

6. The Governor of the Prefecture shall, in accordance with the decision of the Narcotic Addiction Examination Committee reported in accordance with the provision of Paragraph 4, discharge the hospitalized addict, or decide the period of hospitalization of the hospitalized addict and notify the period to the administrator of the hospital for treatment of narcotic addict concerned and the hospitalized addict.

7. The administrator of a hospital for treatment of narcotic addict shall, in case he has not received the report in the preceding paragraph within the period determined by the designated physician of mental health in accordance with the provision of Paragraph 2 of Article 58-6, discharge the hospitalized addict.

8. The period of the hospitalization under the provision of Paragraph 6 shall not exceed 3 months computing from the day of the beginning of the hospitalization of the hospitalized addict.

**(Prolongation of Hospitalization Period)**

**Article 58-9.** The period of the hospitalization under the provision of Paragraph 6 of the preceding article may, within the period not more than 6 months in all computing from the day of the beginning of the hospitalization of the hospitalized addict, be prolonged within the limit of 2 months each time.

2. The provisions of Paragraphs 2 to 7 of the preceding article shall apply *mutatis mutandis* to the prolongation of the period of the hospitalization under the preceding paragraph.

**(Behavior Restriction)**

**Article 58-10.** The administrator of a hospital for treatment of narcotic addict may set the necessary limits to the behavior of a hospitalized addict within the limit indispensable for medical treatment of the addict.

**(Custody of Belongings)**

**Article 58-11.** The Governor of the Prefecture may, in case there is any article in his belongings, that obstructs the medical treatment of the hospitalized addict, make the competent official take it into his custody during the hospitalization of the addict.

**(Discharge)**

**Article 58-12.** The Governor of the Prefecture shall, in case he finds it unnecessary to continue the hospitalization of a hospitalized addict any more, discharge the addict without undue delay. In this case, the Governor of the Prefecture shall, in advance,

hear the opinion of the administrator of the hospital for treatment of narcotic addict concerned.

2. The administrator of a hospital for treatment of narcotic addict shall, in case he finds it unnecessary to continue the hospitalization of a hospitalized addict any more regarding from the symptoms and other conditions of addict, report to that effect to the Governor of the Prefecture without undue delay.

**(Narcotic Addiction Examination Committee)**

**Article 58-13.** The Narcotic Addiction Examination Committee shall be established in the Prefecture to make the examination under the provision of Paragraph 4 of Article 58-8 (including the case where it applies *mutatis mutandis* under the provision of Paragraph 2 of Article 58-9).

2. Notwithstanding the provision, the Prefecture may establish a Narcotic Addiction Examination Committee under its ordinance if considered necessary by the governor to continue the hospitalization of a hospitalized addict under the provisions of Paragraph 3 of Article 58-8, provided that the Narcotic Addiction Examination Committee shall be terminated when the addict is dehospitalized.

3. The Narcotic Addiction Examination Committee shall consist of five members.

4. The members shall be appointed by the Governor of the Prefecture from among the persons with knowledge and experience concerning the medical treatment of narcotic addicts or laws.

5. Except what are prescribed in the preceding three paragraphs, necessary matters concerning the Narcotic Addiction Examination Committee shall be prescribed by the Cabinet Ordinance.

**(Medical Treatment Policy and Amount of Treatment Fee in the Case of Hospitalization)**

**Article 58-14.** The medical treatment policy concerning the medical treatment conducted for the hospitalized addict by hospital for treatment of narcotic addict and the methods of counting the medical treatment fee thereof shall comply with the instance of the medical treatment policy and the methods of counting the medical treatment fee in the case of Health Insurance.

2. The medical treatment policy and the methods of counting the medical treatment fee thereof shall, in case it is impossible or inappropriate that they comply with the instance of the medical treatment policy and the methods of counting the medical treatment fee provided in the preceding paragraph, be based on what the Minister of Health and Welfare determines after hearing the opinion of the National Public Health Council.

**(Entrusting the Business to the Social Insurance Medical Care Fee Payment Fund)**

**Article 58-15.** The Prefecture may entrust the Social Insurance Medical Care Fee Payment Fund with the business of checking up whether the medical treatment conducted for a hospitalized addict by a hospital for treatment of narcotic addict is in conformity to the medical treatment policy provided in the preceding article and of counting the medical treatment fee thereof, and the business concerning the payment of the medical care fee to the establisher of a hospital for treatment of narcotic addict.

**(Reports, etc.)**

**Article 58-16.** The Minister of Health and Welfare or the Governor of the Prefecture may, in case he considers necessary in order to check up whether the medical care fee has been duly charged by a hospital for treatment of narcotic addict, collect necessary report from the administrator of the hospital for treatment of narcotic addict, or have the competent official examine the record of treatment or other books on the spot with agreement of the administrator of the hospital for treatment of narcotic addict.

2. The Minister of Health and Welfare or the Governor of the Prefecture may suspend temporarily or suspend the payment of medical care fee by the Prefecture to a hospital for treatment of narcotic addict, in case the administrator of the hospital for treatment of narcotic addict concerned, without good reason, has refused to submit the report in the preceding paragraph, made a false report or refused to give the agreement in the preceding paragraph.

**(Counselor for Narcotic Addict, etc.)**

**Article 58-17.** The Prefecture may have counselors for narcotic addicts and for persons who are in the abuse of psychotropics.

2. The counselor in the preceding paragraph shall give advice and necessary guidance to narcotic addicts or former narcotic addicts, and abusers of psychotropics or former abusers of psychotropics, and perform any other incidental duties thereof.

3. The counselor in Paragraph 1 shall be a part-time service official and be appointed by the Governor of the Prefecture from among those who are persons of popularity in the society and possess eagerness, knowledge and opinion necessary for performing the duties provided in the preceding paragraph.

**(Keeping of Secret)**

**Article 58-18.** Any designated physician of mental health, personnel of a hospital for treatment of narcotic addicts, member of the Narcotic Addiction Examination Committee or counselor in Paragraph 1 of the preceding article shall not leak out any secret of other person that he comes to know concerning the performance of his duties in accordance with the provisions of this Law both during and after his term of office.

## **CHAPTER VI MISCELLANEOUS PROVISIONS**

### **(Payment of Expenses by the Prefecture)**

**Article 59.** The following expenses shall be paid by the Prefecture.

- (1) The expenses required for prefectural narcotics control officials established in accordance with the provision of Paragraph 1 of Article 54 and the expenses required directly for performing the duties, in accordance with the provision of Paragraph 1 of Article 56, by prefectural narcotics control officials outside the jurisdictional area of the Prefecture to which the prefectural narcotics control officials concerned belongs
- (2) The expenses required for medical examination made by the designated physician of mental health in accordance with the provision of Paragraph 1 of Article 58-6
- (3) The expenses required for hospitalization of a narcotic addict exercised in accordance with the provisions of Article 58-8
- (4) The expenses required for the Narcotic Addiction Examination Committee established in accordance with the provision of Paragraph 1 of Article 58-13
- (5) The expenses required for the counselor established in accordance with the provision of Paragraph 1 of Article 58-17

### **(Expenses Borne by the State)**

**Article 59-2.** The State shall bear, in accordance with the provisions of the Cabinet Ordinance, the following expenses paid by the Prefecture in accordance with the provisions of the preceding article.

- (1) All expenses prescribed in Item (1) of the preceding article
- (2) Three fourths of the expenses prescribed in Item (3) of the preceding article

### **(Subsidy by the State)**

**Article 59-3.** The State may bear, in accordance with the provisions of the Cabinet Ordinance and within the limits of its budget, not more than five tenths of the following expenses.

- (1) The expenses paid by the Prefecture in accordance with the provision of Item (5) of Article 59
- (2) The expenses required for the institution of hospital for treatment of narcotic addicts to be established by the Prefecture, city, town or village, or non profit-making juridical person

### **(Collection of Expenses)**

**Article 59-4.** The Governor of the Prefecture may collect the whole or a part of expenses prescribed in Item (3) of Article 59 from the hospitalized addict, his spouse of the person responsible for his support provided in Paragraph 1 of Article 877 of Civil Code (Law No. 89 of 1896) according to the bearing capacity of each of them.

**(Fee)**

**Article 59-5.** Any person who comes under any of the following items shall pay the fee fixed by the Cabinet Ordinance taking into consideration the actual expenses.

- (1) A person who applies for the license of a narcotics importer
- (2) A person who applies for the license of a narcotics exporter
- (3) A person who applies for the license of a narcotics manufacturer
- (4) A person who applies for the license of a narcotics compounder
- (5) A person who applies for the license of the manufacturer of exempt narcotics preparations
- (6) A person who applies for the license of a narcotics central wholesale dealer
- (7) A person who applies for the license of a narcotics wholesale dealer
- (8) A person who applies for the license of a narcotics retail dealer
- (9) A person who applies for the license of a narcotics practitioner
- (10) A person who applies for the license of a narcotics administrator
- (11) A person who applies for the license of a narcotics researcher
- (12) A person who applies for the license of a psychotropics importer
- (13) A person who applies for the license of a psychotropics exporter
- (14) A person who applies for the license of a psychotropics manufacturer/compounder
- (15) A person who applies for the license of a psychotropics utilizer
- (16) A person who applies for the license of a psychotropics wholesale dealer
- (17) A person who applies for the license of a psychotropics retail dealer
- (18) A person who applies for the registration of the proprietor of a psychotropics research institution
- (19) A person who applies for reissue of the license card or registration card

2. With respect to the fee paid by the person mentioned in Item (1) through (6) and Item (12) through (15) of the preceding paragraph, the fee paid by the proprietor of a psychotropics research institution for the registration with the Minister of Health and Welfare in Item (18), and the fee paid by the person who applies for reissue of the license card or the registration card of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics, narcotics central wholesale dealer, psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, psychotropics utilizer, or the proprietor of a psychotropics research institution registered by the Minister of Health and Welfare in Item (19), shall be the revenue of the national treasury, however with respect to any other fees, it shall be the revenue of the Prefecture.

**(Conditions of License or Permission)**

**Article 59-6.** Conditions may be attached to the license or permission provided in this law, and they may be altered.

2. The conditions of the preceding paragraph shall be limited to the minimum necessity for the purpose of preventing health and hygiene from harm caused by the abuse of narcotics or psychotropics and unfair duties shall not be imposed on those who obtain the license or permission.

**(Disposition of Narcotics or Psychotropics Reverted to the National Treasury)**

**Article 60.** The Minister of Health and Welfare may make a necessary disposition in respect to the narcotics or psychotropics which have been reverted to the national treasury in accordance with the provisions of laws and ordinances.

**(Exemption for Narcotics, etc. used for Criminal Identification)**

**Article 60-2.** Notwithstanding the provisions of this law, the Minister of Health and Welfare may import, manufacture or receive narcotics or psychotropics to be used for criminal identification of narcotics or psychotropics.

2. The Minister of Health and Welfare shall supply the narcotics or psychotropics imported, manufactured or received in accordance with the provision of the preceding paragraph to national or prefectural organizations engaged in criminal identification of narcotics or psychotropics.

3. Officials of the organization in the preceding paragraph may use or possess, for the purpose of criminal identification of narcotics, the narcotics supplied from the Minister of Health and Welfare in accordance with the provision of the same paragraph.

4. The chief of the organization which has been supplied with the narcotics or psychotropics from the Minister of Health and Welfare in accordance with the provision of Paragraph 2 shall keep a book and enter therein the names and quantities of the narcotics or psychotropics used for criminal identification of narcotics or psychotropics, the dates of use, and other matters provided in the Ministry of Health and Welfare Ordinance.

5. The Minister of Health and Welfare may, in case where he has received a request from the government of a foreign country to the effect that it intends to import narcotics or psychotropics to be used for criminal identification of narcotics or psychotropics, notwithstanding the provisions of this law, export to the government of the country concerned the narcotics or psychotropics imported, manufactured or received in accordance with the provision of Paragraph 1, or the narcotics or psychotropics reverted to the national treasury in accordance with the provisions of laws and ordinances.

**(Payment for Certificate Stamp)**

**Article 61.** A narcotics importer, narcotics manufacturer or narcotics compounder shall, in case he applies for supply of the certificate stamps provided in Paragraph 1 of Article 30, pay to the State the prices fixed by Ministry of Health and Welfare Ordinance within the limits of the costs of the certificate stamps.

**(Case of Any Single Person Granted Not Less Than Two Qualifications)**

**Article 62.** If any single person has not less than two licenses as a narcotics dealer, or if a narcotics dealer is concurrently the proprietor of a narcotics medical institution or a narcotics research institution, he shall be deemed to be a separate narcotics handler in respect to each qualification in connection with the application of the provisions of this law concerning transfer and receipt of narcotics. The same shall apply to the proprietor

of not less than two narcotics medical institution or narcotics research institutions by an individual, or the case that the proprietor of a narcotics medical institution establishes a narcotics research institution.

2. If any single person has not less than two licenses as a psychotropics dealer, or a psychotropics dealer himself is concurrently the proprietor of a hospital, etc., or the proprietor of a psychotropics research institution, he shall be deemed to be a separate psychotropics handler in respect of each qualification in connection with the application of the provisions concerning transfer of psychotropics in this law. The same shall apply to the proprietor of not less than two hospital, etc. or psychotropics research institutions by an individual; or the case that the proprietor of a hospital, etc., establishes a psychotropics research institution.

**(Transitional Measures)**

**Article 62-2.** When a Cabinet Ordinance or Ministry of Health and Welfare Ordinance is enacted, amended or repealed in accordance with the provisions of this Law, necessary transitional measures (including those in regard to the penal provisions) may be provided for in such ordinance in so far as such measures are deemed to be reasonably necessary in connection with such enactment, amendment or repeal.

**(Provision Necessary for Enforcement of This Law)**

**Article 63.** Except the Cabinet Ordinances entrusted by this Law, the procedures and other regulations necessary for enforcement of this Law shall be provided by the Ministry of Health and Welfare Ordinance.

**CHAPTER VII  
PENAL PROVISIONS**

**Article 64.** Any person who unlawfully imports to Japan or any other country, exports from Japan or any other country, or manufactures diacetylmorphine, etc. shall be liable to penal servitude for a limited term not less than 1 year.

2. Any person who commits an offense prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude from 3 years to life inclusive or to both penal servitude from 3 years to life inclusive and to a fine not exceeding 10,000,000 yen according to circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

**Article 64-2.** Any person who unlawfully compounds, subdivides, transfers, receives, supplies, or possesses diacetylmorphine, etc. shall be liable to penal servitude not exceeding 10 years.

2. Any person who commits an offense prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude for a limited term not less than 1 year

or to both penal servitude for a limited term not less than 1 year and a fine not exceeding 5,000,000 yen according to circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

**Article 64-3.** Any person who, in contravention of the provision of Paragraph 1 or 4 of Article 12, administers, destroys, or undergoes the administering of diacetylmorphine, etc. shall be liable to penal servitude not exceeding 10 years.

2. Any person who commits an offense prescribed in the preceding paragraph, for the purpose of gain, shall be liable to penal servitude for a limited term not less than 1 year or to both penal servitude for a limited term not less than 1 year and a fine not exceeding 5,000,000 yen according to the circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

**Article 65.** Any person who comes under any of the following items shall be liable to penal servitude from 1 to 10 years inclusive.

(1) A person who unlawfully imports to Japan or any other country, exports from Japan or any other country, or manufactures narcotics other than diacetylmorphine, etc. (excluding a person who comes under any of the provisions of Items (1) through (3) of Article 69)

(2) A person who unlawfully cultivates a narcotic plant

2. Any person who commits an offense prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude for a limited term not less than 1 year or to both penal servitude for a limited term not less than 1 year and a fine not exceeding 5,000,000 yen according to circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

**Article 66.** Any person who unlawfully compounds, subdivides, transfers, receives, supplies, or possesses narcotics other than diacetylmorphine, etc. shall be liable to penal servitude not exceeding 7 years (not including a person who comes under any of the provisions of Items (4) or (5) of Article 69, or Item (5) of Article 70).

2. Any person who commits an offense prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude from 1 year to 10 years inclusive or to both penal servitude from 1 year to 10 years inclusive and a fine not exceeding 3,000,000 yen according to circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

**Article 66-2.** Any person who violates the provisions of Paragraph 1 or Paragraphs 3 through 5 of Article 27 shall be liable to penal servitude not exceeding 7 years.

2. Any person who commits an offense prescribed in the preceding paragraph, for the purpose of gain, shall be liable to penal servitude from 1 to 10 years inclusive or to both penal servitude from 1 to 10 years inclusive and a fine not exceeding 3,000,000 yen according to the circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

**Article 66-3.** Any person who unlawfully imports to Japan or any other country, exports from Japan or any other country, manufactures, compounds, or subdivides psychotropics (excluding a person who comes under the provision of Item (15) or (16) of Article 70) shall be liable to penal servitude not exceeding 5 years.

2. Any person who commits an offense prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude not exceeding 7 years or to both penal servitude not exceeding 7 years and a fine not exceeding 2,000,000 yen according to circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

**Article 66-4.** Any person who unlawfully transfers or possesses for transfer, psychotropics (excluding a person who comes under the provision of Item (17) of Article 70 or Item (6) of Article 72) shall be liable to penal servitude not exceeding 3 years.

2. Any person who commits an offense prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude not exceeding 5 years or to both penal servitude not exceeding 5 years and a fine not exceeding 1,000,000 yen according to circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

**Article 67.** Any person who commits any preparatory act in connection with any of the offenses prescribed in Paragraph 1 or 2 of Article 64 or Paragraph 1 or 2 of Article 65 shall be liable to penal servitude not exceeding 5 years.

**Article 68.** Any person who, with knowledge of the circumstances, provides the fund, land, building, ship, aircraft, motor vehicle, equipment, machinery, tools or raw material (including seeds of a narcotic plant) required for the act of committing any of the offenses prescribed in Paragraph 1 or 2 of Article 64 or Paragraph 1 or 2 of Article 65 (hereinafter collectively referred to as the "fund, etc." in Article 69-4) or transports, shall be liable to penal servitude not exceeding 5 years.

**Article 68-2.** Any person who mediates to transfer or receive narcotics, under the offenses prescribed in Paragraph 1 or 2 of Article 64-2 or Paragraph 1 or 2 of Article 66, shall be liable to penal servitude not exceeding 3 years.

**Article 69.** Any person who comes under any of the following items shall be liable to penal servitude not exceeding 3 years, or to a fine not exceeding 500,000 yen, or to both.

- (1) A person who, in contravention of the provision of Paragraph 1 of Article 14, imports narcotics without the permission
- (2) A person who, in contravention of the provision of Paragraph 1 of Article 18, exports narcotics without the permission
- (3) A person who, in contravention of the provision of Paragraph 1 of Article 21, manufactures narcotics or exempt narcotics without the permission
- (4) A person who, in contravention of the provision of Paragraph 1 of Article 23, compounds or subdivides narcotics without the permission
- (5) A person who violates the provision of Article 25
- (6) A person who violates the provision of Article 29-2
- (7) A person who violates the order of suspension of business or research work under the provision of Paragraph 1 of Article 51

**Article 69-2.** Any person who commits a preparatory act in connection with any of the offenses prescribed in Paragraph 1 or 2 of Article 66-3 shall be liable to penal servitude not exceeding 2 years.

**Article 69-3.** Any narcotics or psychotropics possessed or owned by a criminal under the offenses prescribed in Articles 64 through 67 or the preceding article shall be liable to confiscation. However, in case it belongs to any other person than the criminal, it may not be confiscated.

2. Any ship, aircraft or motor vehicle used for transportation of narcotics or psychotropics in the course of committing any of the offenses prescribed in the preceding paragraph (excluding the offenses prescribed in Articles 64-3 and 66-2) shall be liable to confiscation.

**Article 69-4.** Any person who, with knowledge of the circumstances, provides the funds, etc. required for the act of committing any of the offenses prescribed in Paragraph 1 or 2 of Article 66-3 or transports, shall be liable to penal servitude not exceeding 2 years.

**Article 69-5.** Any person who mediates to transfer or receive psychotropics under the offenses prescribed in Paragraph 1 or 2 of Article 66-4, shall be liable to penal servitude not exceeding 1 year.

**Article 69-6.** The provision of Article 2 of the Penal Code shall apply to any of the offenses prescribed in Articles 64, 64-2, 65, 66, 66-3 through 68-2, 69-2, and 69-4, and the preceding article.

**Article 70.** Any person who comes under any of the following items shall be liable to penal servitude not exceeding 1 year, or to a fine not exceeding 200,000 yen, or to both.

- (1) A person who violates the provision of Paragraph 3 of Article 4
- (2) A person who violates the provision of Paragraph 2 of Article 19
- (3) A person who makes false entries in writing of a prescription under the provision in Paragraph 6 of Article 27
- (4) A person who destroys narcotics without the permission under the provisions of Article 29
- (5) A person who violates the provisions of Paragraphs 1 to 3 of Article 30 or Article 31
- (6) A person who supplies narcotics without the receipt of the certificate of receipt under the provision of Paragraph 1 of Article 32
- (7) A person who supplies narcotics without the issue of the certificate of transfer under the provision of Paragraph 1 of Article 32
- (8) A person who gives false description in the certificate of receipt or the certificate of transfer in contravention of the provision of Paragraph 1 of Article 32
- (9) A person who violates the provision of Paragraph 2 of Article 32, Article 33 or Article 34
- (10) A person who submits the false report/notification in contravention of the provisions of Paragraph 1 or 2 of Article 35, or Paragraph 1 of Article 36, (including the case where it applies *mutatis mutandis* in the provision of Paragraph 4 of the same article ) or Paragraph 3 of the same article (including the case where it applies *mutatis mutandis* in the provision of Paragraph 4 of the same article)
- (11) A person who fails to keep a book, or makes no entry or false entries in the book in contravention of the provision of Paragraph 1 of Article 37, Paragraph 1 of Article 38, Paragraph 1 of Article 39 or Paragraph 1 of Article 40
- (12) A person who fails to preserve a book in contravention of the provisions of Paragraph 2 of Article 37, Paragraph 2 of Article 38, Paragraph 3 of Article 39 or Paragraph 3 of Article 40
- (13) A person who gives false entries in the clinical record book under the provision of Article 41
- (14) A person who forges or alters a narcotics prescription
- (15) A person who imports psychotropics without the permission in contravention of the provisions of Paragraph 1 or 2 of Article 50-9
- (16) A person who exports psychotropics without the permission in contravention of the provisions of Paragraph 1 or 2 of Article 50-12 or Paragraph 1 of Article 50-13
- (17) A person who violates the provision of Article 50-17
- (18) A person who violates the provisions of Article 29-2 applied *mutatis mutandis* in Article 50-18
- (19) A person who violates the orders provided in Article 50-39 through Article 50-41
- (20) A person who violates the order of the suspension of the business provided in Paragraph 2 of Article 51
- (21) A person who violates the provisions of Article 58-18

**Article 71.** Any person who violates the provisions of Paragraph 1 or 2 of Article 35, Paragraph 1 of Article 36 (including the case where it applies *mutatis mutandis* in the provision of Paragraph 4 of the same article ), or Paragraph 3 of the same article (including the case where it applies *mutatis mutandis* in the provision of Paragraph 4 of the same article ), Paragraph 2 of Article 39, Paragraph 2 of Article 40, Article 41, Paragraph 2 of Article 50-15 or Paragraph 1 of Article 58-2, shall be liable to penal servitude not exceeding 6 months, or to a fine not exceeding 200,000 yen, or to both.

**Article 72.** Any person who comes under any of the following items shall be liable to fine not exceeding 200,000 yen.

- (1) A person who violates the provisions of Paragraph 1 of Article 7 (including the case where it applies *mutatis mutandis* in the provision of Paragraph 2 of the same article) or Paragraph 3 of the same article, Article 15 or Paragraph 6 of Article 18
- (2) A person who fails to submit the report or submits the false report in contravention of the provisions of Article 42 through Article 45, Paragraph 1 of Article 46, or Article 47 through Article 49
- (3) A person who violates the provisions of Paragraph 3 of Article 4 applied *mutatis mutandis* in Article 50-4 or Article 50-7
- (4) A person who forges or alters a psychotropics prescription
- (5) A person who violates the provision of Article 19-2 applied *mutatis mutandis* in Article 50-18
- (6) A person who violates the provision of Article 50-19
- (7) A person who fails to submit the report, or submits the false report in contravention of the provision of Paragraph 1 of Article 50-22
- (8) A person who makes no entry or false entries in contravention of the provisions of Paragraph 1 through 3 of Article 50-23
- (9) A person who fails to preserve the records in contravention of the provision of Paragraph 4 of Article 50-23
- (10) A person who fails to submit the report, or submits the false report in contravention of the provisions of Article 50-27
- (11) A person who fails to submit the report, submits the false report, or refuses, prevents or evades the entry examination or taking away in contravention of the provision of Paragraph 1 of Article 50-38

**Article 73.** Any person who comes under any of the following items shall be liable to a fine not exceeding 200,000 yen.

- (1) A person who refuses, prevents or evades medical examination by the designated physician of mental health under the provision of Paragraph 1 of Article 58-6
- (2) A person who is requested to appear in accordance with the provision of Paragraph 3 of Article 58-6 but fails to do so or who is requested to remain in accordance with the provision of the same paragraph, but fails to do so
- (3) A person who refuses or prevents the entry examination under the provision of Paragraph 5 of Article 58-6

**Article 73-2.** Any person who comes under any of the following items shall be liable to a fine not exceeding 100,000 yen.

- (1) A person who violates the provision of Paragraph 1 or 3 of Article 7 applies *mutatis mutandis* to Article 50-4 or Article 50-7, Article 15 applied *mutatis mutandis* to Paragraph 3 or 4 of Article 50-9, Paragraph 6 of Article 18 applied *mutatis mutandis* to Paragraph 3 or 4 of Article 50-12 or Paragraph 2 of Article 50-13, Article 50-10, Paragraph 6 of Article 50-13 or Article 50-14
- (2) A person who fails to submit the report, or submits the false report in contravention of the provisions of Paragraph 1 or 2 of Article 50-24
- (3) A person who violates the provision of Article 50-28
- (4) A person who fails to submit the report/notification, or submits the false report/notification in contravention of the provisions of Article 50-29 through 50-32 or Paragraph 1 of Article 50-33
- (5) A person who makes no record or false records in contravention of the provision of Paragraph 1 of Article 50-34
- (6) A person who fails to preserve the records in contravention of the provision of Paragraph 2 of Article 50-34
- (7) A person who violates the provision of Article 19-2 applied *mutatis mutandis* in Article 50-35
- (8) A person who fails to submit the report, submits the false report, or refuses, prevents or evades the entry examination in contravention of the provision of Paragraph 2 of Article 50-38

**Article 74.** When any representative of a juridical person, any agent, employee or other person engaging in the business of a juridical person or natural person commits any of the offenses, in connection with business activities of either the juridical person or natural person concerned, as prescribed in Paragraph 2 or 3 of Article 64, Paragraph 2 or 3 of Article 64-2, Paragraph 2 or 3 of Article 65, Paragraph 2 or 3 of Article 66, Paragraph 2 or 3 of Article 66-3, or Paragraph 2 or 3 of Article 66-4, or who violates the provisions of Paragraph 2 or 3 of Article 64-3, Paragraph 2 or 3 of Article 66-2, Article 69, Articles 70 through 72, or the preceding Article, such actor shall be liable to punishment as well as the juridical person or natural person concerned punished with a fine under an applicable article.

**Article 75.** Any person who violates the provisions of Article 8 (including the case where it applies *mutatis mutandis* to the provisions of Article 50-4 or Article 50-7) or Article 10 (including the case where it applies *mutatis mutandis* to Article 50-4 or Article 50-7) shall be liable to a non-penal fine not exceeding 100,000 yen.

**Article 76.** In connection with application of the provisions of this Chapter, a narcotics which is unable to be identified as the diacetylmorphine, etc., the narcotics provided in Paragraph 2 of Article 12 or narcotics other than these narcotics shall be deemed to be a narcotics other than the diacetylmorphine, etc. and the narcotics provided in Paragraph 2 of the same article.

**Table I Narcotics**

1. Acetylmethadol and its salts
2. Alphacetylmethadol and its salts
3. Betacetylmethadol and its salts
4. Noracetylmethadol and its salts
5. Anileridine and its salts
6. Nalorphine, its esters and its salts
7. Allylprodine and its salts
8. Ecgonine and its salts
9. Ethylmethylthiambutene and its salts
10. Alphameprodine and its salts
11. Betameprodine and its salts
12. Clonitazene and its salts
13. Cocaine, esters of Ecgonine, and its salts
14. Coca Leaf
15. Codeine, Ethylmorphine, ethers of Morphine, and its salts
16. Heroin, esters of Morphine, and its salts
17. Diphenoxylate and its salts
18. Methadone Intermediate and its salts
19. Pethidine Intermediate A and its salts
20. Etonitazene and its salts
21. Diethylthiambutene and its salts
22. Hydrocodone, its esters, and its salts
23. Dihydrocodeine, its esters, and its salts
24. Desomorphine, its esters, and its salts
25. Oxycodone, its esters, and its salts
26. Oxymorphone and its salts
27. Dihydromorphine, its esters, and its salts
28. Hydromorphone, its esters, and its salts
29. Dipipanone and its salts
30. Dimenoxadol and its salts
31. Dimethylthiambutene and its salts
32. Normethadone and its salts
33. Dimepheptanol and its salts
34. Alphamethadol and its salts
35. Betamethadol and its salts
36. Methadone and its salts
37. Propoxyphene and its salts
38. Isomethadone and its salts
39. Proheptazine and its salts
40. Alphaprodine and its salts
41. Betaprodine and its salts
42. Thebaine and its salts
43. Trimeperidine and its salts
44. Nicocodine and its salts
45. Normorphine, its ethers, and its salts

46. Etoxadine and its salts
47. Hydromorphinol and its salts
48. Levophenacymorphan and its salts
49. Phenoperidine and its salts
50. Ketobemidone and its salts
51. Hydroxypethidine and its salts
52. Phenomorphan and its salts
53. Levorphanol and its salts
54. Norlevorphanol and its salts
55. Furethidine and its salts
56. Pethidine intermediate B and its salts
57. Piminodine and its salts
58. Phenazocine and its salts
59. Metazocine and its salts
60. Benzethidine and its salts
61. Methyldihydromorphine and its salts
62. Metopon and its salts
63. Methyldesorphine and its salts
64. Phenampromide and its salts
65. Properidine and its salts
66. Diampromide and its salts
67. Moramide and its salts
68. Moramide intermediate and its salts
69. Levomethorphan and its salts
70. Morphine and its salts
71. Morphine-N-oxide, other pentavalent nitrogen morphine derivatives
72. Morpheridine and its salts
73. Phenadoxone and its salts
74. Dioxaphetyl butyrate and its salts
75. Any substance with similar risk of abuse and harmful effect as those listed in the preceding items and designated by the Cabinet Ordinance
76. Any substance which contains any of the substances listed in the preceding items, other than opium, except for the followings.
  - a. A substance which contains less than 10/1000 of codeine, dihydrocodeine, or their salts (not containing any other substances listed in the preceding items)
  - b. A plant other than narcotic plant (including its parts)

**Table II Narcotic Plant**

1. *Erythroxylon coca Lamarck*
2. *Erythroxylon novogranatense Hieron*
3. *Papaver bracteatum Lindl*

**Table III Psychotropics**

1. Phenobarbital and its salts
2. Pentobarbital and its salts
3. Diazepam and its salts
4. Oxazolam and its salts
5. Clotiazepam and its salts
6. Chordiazepoxide and its salts
7. Barbitol and its salts
8. Nitrazepam and its salts
9. Methylphenidate and its salts
10. Pentazocine and its salts
11. Any substance with similar risk of abuse and harmful effect as those listed in the preceding items and designated by the Cabinet Ordinance
12. Any substance which contains any of the substances listed in the preceding items

**Table IV Narcotics/Psychotropics Raw Material**

1. Acetone
2. Anthranilic acid and its salts
3. Ethylether
4. Ergotamine and its salts
5. Ergometrine and its salts
6. Piperidine and its salts
7. Acetic anhydride
8. Lysergic acid and its salts
9. Any substance which can be raw material of Narcotics/Psychotropics and is designated by the Cabinet Ordinance
10. Any substance which contains any of the substances listed in the preceding items