UNITED NATIONS

E/NL. 1979/15–17
8 July 1981
ENGLISH ONLY

LAWS AND REGULATIONS

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

JAPAN

Communicated by the Government of Japan

NOTE BY THE SECRETARY-GENERAL – 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.

INDEX

E/NL.1979/15

STIMULANTS CONTROL LAW

(Law No. 252 of 30 June 1951)

AMENDMENTS:

Law No. 136 of 1 June 1954
Law No. 177 of 12 June 1954
Law No. 171 of 20 August 1955
Law No. 5 of 10 March 1958
Law No. 145 of 10 August 1960
Law No. 111 of 1 June 1970
Law No. 103 of 26 June 1972
Law No. 114 of 15 October 1973

V.81-27505

Chapter I. General Provisions

(Purpose of this Law)

Article 1: This Law aims to exercise necessary control with regard to import, export, possession, manufacture, transfer receipt, and use of stimulants and their raw materials for the sake of preventing harm to health and hygiene caused by abuse of stimulants.

(Meaning of Terms)

Article 2: The term "stimulants" shall mean the following substances:

(1) Phenyl-amino-propan, [1/] phenyl-methyl-amino-propan, and their salts;

(2) Any substances with stimulating properties of the same kind as those listed in the preceding item and designated by Ordinance.

(3) Any substances which contain any of the substances listed in the preceding two items.

2. The term "stimulants manufacturer" shall mean a person designated in accordance with the provision of this Law as one who may, as his business, manufacture stimulants and transfer those stimulants which he has manufactured to the stimulants administering institution or the stimulants research worker.

3. The term "stimulants administering institution" shall mean a hospital or a clinic designated in accordance with the provision of this Law as an institution which may administer stimulants.

4. The term "stimulants research worker" shall mean a person designated in accordance with the provision of this Law as one who may use stimulants for scientific researches and manufacture them only in a case where he has received permission of the Minister of Health and Welfare.

5. The term "stimulant raw materials" shall mean substances listed in the separate table.

6. The term "stimulant raw material importer" shall mean a person designated in accordance with the provision of this Law as one who may import stimulant raw materials as his business, or for the sake of his business.

7. The term "stimulant raw material exporter" shall mean a person designated in accordance with the provision of this Law as one who may export stimulant raw materials as his business.

8. The term "stimulant raw material manufacturer" shall mean a person designated in accordance with the provision of this Law as one who may manufacture stimulant raw materials as his business, or for the sake of his business.

9. The term "stimulant raw material handler" shall mean a person designated in accordance with the provision of this Law as one who may transfer stimulant raw materials as his business, or use them for the sake of his business.

10. The term "stimulant raw material research worker" shall mean a person designated in accordance with the provision of this Law as one who may manufacture or use stimulant raw materials for the sake of scientific researches.

1/ Note by the Secretariat: Amphetamine group

Chapter II. Designation and Notification

(Conditions for Designation)

Article 3: Designation of the stimulants manufacturer shall be made by the Minister of Health and Welfare with respect to each manufactory and the person to be designated as such shall have the qualifications mentioned in the following items and be the right person in the eyes of the Minister of Health and Welfare; designation of the stimulants administering institution or the stimulants research worker shall be made by the Governor of To, Do, Fu, or Prefecture wherein such a person is located with respect to each hospital or clinic, or each research institute, and the person to be designated as such shall have the qualifications mentioned in the following items and be the right person in the eyes of the Governor concerned.

(1) As to the stimulants manufacturer, he must be in possession of a permit for manufacturing medicinal drugs stipulated under the provision of Paragraph 1 (Permit for Medicinal Drugs Manufacturer) of Article 12 of the Pharmaceutical Affairs Law (Law No. 145 in 1960);

(2) As to the stimulants administering institution, it must be a mental hospital or other hospitals or clinics which find it necessary to administer stimulants in treating patients;

(3) As to the stimulants research worker, he must be a person who has sufficient knowledge of stimulants and who finds it necessary to use stimulants in carrying out his researches.

2. The standard concerning designation of the stimulants administering institution and the stimulants research worker shall be fixed by the Ministry of Health and Welfare Ordinance.

(Procedure of Application for Designation)

Article 4: Any person who wants to be designated as stimulants manufacturer shall submit the application therefor with respect to each manufactory to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein the manufactory is located.

2. Any person who wants to be designated as stimulants administering institution or stimulants research worker shall submit the application therefor with respect to each hospital or clinic, or each research institute to the Governor of To, Do, Fu, or Prefecture wherein such an establishment is located.

(Designation Certificate)

Article 5: In a case where the stimulants manufacturer, stimulants administering institution or stimulants research worker has been designated as such, the Minister of Health and Welfare and the Governor of To, Do, Fu, or Prefecture shall issue the designation certificate to the manufacturer concerned and the establisher of the administering institution concerned or the research worker concerned respectively.

2. The designation certificate for the stimulants manufacturer shall be issued by way of the Governor of To, Do, Fu, or Prefecture wherein the manufactory is located.

3. The designation certificate shall not be transferred or loaned.

(The Term of Validity of Designation)

Article 6: The term of validity of designation for the stimulants manufacturer, the stimulants administering institution, or the stimulants research worker shall be from the date of designation to 31 December of the next year.

(The Lapse of Designation)

Article 7: The designation with respect to the stimulants manufacturer, the stimulants administering institution, or the stimulants research worker shall lose effect when the causes mentioned in Article 9 (Notification of Closing, etc. of Business) have arisen as well as when the term of validity of the designation has expired, and when the designation has been cancelled.

(Cancellation of Designation and Suspension of Business, etc.)

Article 8: In a case where the stimulants manufacturer, the establisher of the stimulants administering institution, the manager of the stimulants administering institution /this term means the manager of the hospital or clinic concerned provided for under the Medical Service Law (Law No. 205 of 1948) and applies in the same way hereinafter/, the medical practitioner who is engaged in medical examination and treatment in the stimulants administering institution, or the stimulants research worker has violated the provision of this Law or the disposition based on the provision of this Law, or in a case where the stimulants research worker has lost the qualifications mentioned in Item 3, Paragraph 1, Article 3, the Minister of Health and Welfare and the Governor of To, Do, Fu, or Prefecture may cancel the designation of the stimulants manufacturer and the stimulants administering institution or the stimulants research worker respectively; or may order that the business or research work concerning stimulants and stimulant raw materials conducted by the stimulants manufacturer or the stimulants research worker be suspended for a fixed period of time.

2. The Minister of Health and Welfare or the Governor of To, Do, Fu, or Prefecture, in a case where he intends to make a disposition stipulated in the preceding Paragraph, shall notify the reason for the disposition, as well as the date and place of the hearing concerned to the stimulants manufacturer, the establisher of a stimulants administering institution, or the stimulants research worker who is to receive the disposition not later than two weeks prior to the date of hearing, and hold the hearing requesting the attendance of the person concerned or his proxy.

3. At the hearing, the person who is to receive the disposition or his proxy may give explanation on behalf of himself or his principal and produce evidence in defence of himself or his principal.

4. The Minister of Health and Welfare or the Governor of To, Do, Fu, or Prefecture may make a disposition stipulated in Paragraph 1 without holding the hearing therefor in a case where the person who is to receive the disposition concerned or his proxy failed to attend the hearing without justifiable reasons.

(Notification of Closing of Business, etc.)

Article 9: The stimulants manufacturer, in a case where he comes under any of the following items, shall notify to that effect to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein his manufactory is located accompanied by his designation certificate within 15 days from the day of arising of the cause mentioned in the item concerned.

(1) When he has closed the business of manufacturing stimulants in the manufactory;

(2) When the term of validity of the permit to manufacture medical supplies has expired in accordance with the provision of Paragraph 3 of Article 12 of the Pharmaceutical Affairs Law and the permit has not been renewed;

(3) When the permit to manufacture medical supplies has been cancelled in accordance with the provision of Paragraph 1 of Article 75 of the Pharmaceutical Affairs Law.

2. The establisher of the stimulants administering institution, in a case where he comes under any of the following items, shall notify to that effect to the Governor of To, Do, Fu, or Prefecture wherein the hospital or clinic concerned is located accompanied by his designation certificate within 15 days from the day of arising of the cause mentioned in the item concerned.

(1) When the hospital or clinic which is a stimulants administering institution has been closed;

(2) When the medical examination and treatment having the name of branch of medicine which is based on the standard of designation which is set up by the provision of Paragraph 2 of Article 3 has been discontinued in the hospital or clinic which is a stimulants administering institution;

(3) When the permit to establish the hospital or clinic which is a stimulants administering institution has been cancelled in accordance with the provision of Article 29 of the Medical Service Law.

3. The stimulants research worker, in a case where he has discontinued the research work requiring the use of stimulants in the research institute concerned, shall notify to that effect to the Governor of To, Do, Fu, or Prefecture wherein the research institute is located accompanied by his designation certificate within 15 days from the date of the discontinuation.

4. The notification under the preceding three paragraphs shall, in a case where the stimulants manufacturer, the establisher of a stimulants administering institution, or the stimulants research worker has died or has been dissolved, be given respectively by the successor or by the liquidator or the legal person who remains in existence after the amalgamation or who has been set up as a result of the amalgamation.

(Return and Presentation of the Designation Certificate)

Article 10: In a case where designation of the stimulants manufacturer, the stimulants administering institution, or the stimulants research worker has become null and void except the cases stipulated under the preceding Article, the person who was the stimulants manufacturer, and the person who was the establisher of a stimulants administering institution or the stimulants research worker shall return the designation certificate to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein the manufactory is located, and to the Governor of To, Do, Fu, or Prefecture wherein the hospital or clinic or the research institute is located respectively within 15 days from the day of the lapse of the designation.

2. In a case where the stimulants manufacturer has been subjected to the disposition of suspension of business under the provision of Paragraph 1 of Article 8 (Cancellation of Designation and Suspension of Business, etc.) or Paragraph 1 of Article 75 (Cancellation of Permission) of the Pharmaceutical Affairs Law, he shall present the designation certificate to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein

his manufactory is located within 15 days from the day of taking place of the disposition; in a case where the establisher of a stimulants administering institution has been subjected to the disposition of a closing order under the provision of Article 29 (Cancellation of Permission to Establish and a Closing Order) of the Medical Service Law, he shall present the designation certificate to the Governor of To, Do, Fu, or Prefecture wherein the hospital or clinic is located within 15 days from the day of taking place of the disposition; or in a case where the stimulants research worker has been subjected to the disposition of suspension of research work under the provision of Paragraph 1 of Article 8, he shall present the designation certificate to the Governor of To, Do, Fu, or Prefecture wherein his research institute is located within 15 days from the day of taking place of the disposition.

3. In the case of the preceding Paragraph, the Minister of Health and Welfare or the Governor of To, Do, Fu, or Prefecture shall enter the gist of the disposition in the designation certificate and return it to the stimulants manufacturer, the establisher of a stimulants administering institution, or the stimulants research worker immediately after expiration of the term of suspension of business, the term of closing, or the term of suspension of research work.

(Reissue of Designation Certificate)

Article 11: In a case where the designation certificate has been damaged or lost, the stimulants manufacturer, and the establisher of a stimulants administering institution or the stimulants research worker may apply for the reissue of it respectively to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein the manufactory is located and to the Governor of To, Do, Fu, or Prefecture wherein the hospital or clinic or the research institute is located.

2. In a case where the designation certificate which was lost has been found after the application for its reissue has been made, the stimulants manufacturer and the establisher of a stimulants administering institution or the stimulants research worker shall return the old designation certificate within 15 days respectively to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein the manufactory is located and to the Governor of To, Do, Fu, or Prefecture wherein the hospital or clinic or the research institute is located.

(Notification of Change of Name or Address, etc.)

Article 12: The stimulants manufacturer, in a case where he has changed his name (if he is a legal person, its appellation) or address or the name of his manufactory, shall notify to that effect to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein the manufactory is located accompanied by his designation certificate within 15 days.

2. The establisher of a stimulants administering institution shall, in a case where he has changed the name of the stimulants administering institution, notify to that effect to the Governor of To, Do, Fu, or Prefecture wherein the hospital or clinic is located accompanied by his designation certificate within 15 days.

3. The stimulants research worker shall, in a case where he has changed his name or address or the name of the research institute has been changed, notify to that effect to the Governor of To, Do, Fu, or Prefecture wherein the research institute is located accompanied by his designation certificate within 15 days.

4. In the case of the preceding three Paragraphs, the Minister of Health and Welfare or the Governor of To, Do, Fu, or Prefecture shall immediately correct the designation certificate and return the same.

Chapter III. Prohibitions and Restrictions

(Prohibition of Import and Export)

Article 13: No person shall import or export stimulants.

(Prohibition of Possession)

Article 14: No person other than the stimulants manufacturer, the establisher and the manager of a stimulants administering institution, the medical practitioner engaged in medical treatment in a stimulants administering institution, the stimulants research worker as well as the person who has been supplied stimulants for administering by the medical practitioner engaged in medical treatment in a stimulants administering institution or by the stimulants research worker shall process stimulants.

2. The provision of the preceding Paragraph shall not be applied to any of the following items:

(1) In a case where an assistant engaged in business under the stimulants manufacturer, the manager of a stimulants administering institution, the medical practitioner engaged in medical treatment in a stimulants administering institution or the stimulants research worker possesses stimulants for the purpose of the business;

(2) In a case where a person engaged in a mail business or business of transportation of goods possesses stimulants out of necessity in performing his business when the stimulants manufacturer transfers stimulants to the stimulants administering institution or the stimulants research worker or shift of custody of stimulants takes place;

(3) In a case where a person who nurses a person who is supplied stimulants for administering by the medical practitioner engaged in medical treatment in a stimulants administering institution possesses the stimulants for that person;

(4) In a case where a person possesses stimulants with reference to acts done on the basis of laws and ordinances.

(Prohibition and Restriction of Manufacture)

Article 15: In no case stimulants shall be manufactured except in the case where the stimulants manufacturer manufactures for the purpose of his business and in the case where the stimulants research worker manufactures for his research work obtaining of the Minister of Health and Welfare.

2. The Minister of Health and Welfare may fix the amount of manufacture of stimulants every year for each of the four periods; namely, from January to March, April to June, July to September, and October to December, with respect to each stimulants manufacturer.

3. The stimulants manufacturer shall not manufacture stimulants in excess of the quantity fixed by the Minister of Health and Welfare under the provision of the preceding Paragraph.

(The Manager of the Stimulants Administering Institution)

Article 16: The business concerning receipt of stimulants administered in a stimulants administering institution and the management of stimulants received in the stimulants administering institution shall be performed by the manager of the administering institution concerned.

2. The establisher of a stimulants administering institution shall have the manager of the administering institution concerned perform the business concerning receipt of stimulants, and the management of the stimulants received.

(Restriction and Prohibition of Transfer and Receipt)

Article 17: The stimulants manufacturer shall not transfer the stimulants he manufactured to any other person than the stimulants administering institution and the stimulants research worker.

2. The stimulants administering institution or the stimulants research worker shall not receive stimulants from any other person than the stimulants manufacturer.

3. No person shall transfer or receive stimulants except for the cases in the preceding two Paragraphs and the case where the medical practitioner engaged in medical treatment in a stimulants administering institution or the stimulants research worker delivers stimulants for administering.

4. The provisions of the preceding three Paragraphs shall not be applied to the case where stimulants are transferred or received in relation to performance of duties by law.

(Transfer Certificate and Receipt Certificate)

Article 18: In a case where stimulants are transferred or received (the case where the medical practitioner engaged in medical treatment in a stimulants administering institution or the stimulants research worker delivers stimulants for administering excluded), the transferrer shall deliver a transfer certificate issued by To, Do, Fu, or Prefecture to the other party after entering necessary matters in the blank and putting his seal to it; and the receiver shall deliver a receipt certificate issued by To, Do, Fu, or Prefecture to the other party after entering necessary matters in the blank and putting his seal to it.

2. Any person who has received the transfer certificate or the receipt certificate in accordance with the provision of the preceding Paragraph shall keep it for two years from the day of transfer or receipt.

3. The transfer certificate and the receipt certificate shall not be transferred to another person except in the case under the provision of Paragraph 1.

(Prohibition of Use)

Article 19: No person shall use stimulants except in the case mentioned in each of the following items.

(1) In a case where the stimulants manufacturer uses stimulants for the purpose of manufacture;

(2) In a case where the medical practitioner engaged in medical treatment in a stimulants administering institution or the stimulants research worker administers stimulants to the patient;

(3) In a case where the stimulants research worker uses stimulants for the purpose of research work;

(4) In a case where a person who has been supplied stimulants for administering by the medical practitioner engaged in medical treatment in a stimulants administering institution or the stimulants research worker administers stimulants;

(5) In a case where stimulants are used in relation to acts done on the basis of laws and ordinances.

(Restrictions on Administering)

Article 20: The medical practitioner engaged in medical treatment in a stimulants administering institution shall not administer or deliver for administering those stimulants which are not under the management of the manager of the stimulants administering institution where he is engaged in medical treatment.

2. The medical practitioner mentioned in the preceding Paragraph shall not administer or deliver for administering stimulants for other purposes than medical treatment of another person.

3. The medical practitioner mentioned in Paragraph 1 shall not administer or deliver for administering stimulants to a stimulants addict for the purpose of relieving or curing his addiction.

4. In a case where the medical practitioner mentioned in Paragraph 1 delivers stimulants for administering, he shall deliver, at the same time, a document carrying the address, name, and age of the person to whom the stimulants are delivered, the method of administering, and the period for administering, and having his signature affixed to it.

5. The stimulants research worker shall not administer or deliver for administering stimulants to another person for the sake of his research work except in the case where he has obtained permission of the Minister of Health and Welfare in accordance with the provisions of the Ministry of Health and Welfare Ordinance.

6. The provision of Paragraph 4 shall be applied mutatis mutandis to the case where the stimulants research worker delivers stimulants for administering.

Chapter IV. Handling

(Enclosing with a Certificate Stamp)

Article 21: The stimulants manufacturer shall put the stimulants he has manufactured in a container and seal it with a certificate stamp issued by the Government as provided by the Ministry of Health and Welfare Ordinance.

2. The stimulants manufacturer, stimulants administering institution, and stimulants research worker shall not transfer or receive stimulants unless they are sealed in accordance with the provision of the preceding Paragraph.

3. The provision of the preceding Paragraph shall not be applied to the case where stimulants are transferred or received in relation to performance of duties by law.

(Custody and Shift of Custody)

Article 22: The stimulants manufacturer, the manager of a stimulants administering institution, or the stimulants research worker shall take custody of the stimulants he possesses or manages in his manufactory, hospital or clinic, or research institute. However, in the case where the stimulants manufacturer has established a business office for the custody of stimulants (hereinafter referred to as "the stimulants custody office") and notified to the Minister of Health and Welfare to that effect by way of the Governor of To, Do, Fu, or Prefecture wherein the business office concerned is located, he may take custody of the stimulants he possesses at the stimulants custody office, and may shift custody of them between the manufactory and the stimulants custody office or the stimulants custody offices themselves.

2. The stimulants custody office mentioned in the proviso in the preceding Paragraph shall be a business office of the stimulants manufacturer and have a pharmacist stipulated in the Pharmaceutical Affairs Law.

3. The custody mentioned in Paragraph 1 shall be done in a locked, strongly built place.

(Disuse)

Article 22-2: When the stimulants manufacturer, the establisher of a stimulants administering institution, or the stimulants research worker intends to disuse the stimulants he possesses, he shall give notification to that effect to the Governor of To, Do, Fu, or Prefecture wherein his manufactory (the stimulants custody office, as regards the stimulants which are in the custody of that custody office), the hospital or clinic, or the research institute is located, and do the disuse in the presence of the public service employee concerned.

(Notification of Accidents)

Article 23: The stimulants manufacturer, the manager of a stimulants administering institution, or the stimulants research worker, in a case where the stimulants in his possession or management should be lost, stolen, or missing, shall immediately report the name and quantity of the stimulants concerned, and other matters necessary to make the situation of the accident clear to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein his manufactory (his stimulants custody office, as regards the stimulants which are in the custody of that custody office) is located or to the Governor of To, Do, Fu, or Prefecture wherein his hospital or clinic or his research institute is located, according to whether he is the stimulants manufacturer or the manager of a stimulants administering institution or stimulants research worker.

(Obligation to take Measures in Case of Lapse of Designation)

Article 24: When the designation of the stimulants manufacturer, the stimulants administering institution, or the stimulants research worker has lapsed (or when the disposition of rejection has been done with regard to the application for designation prescribed in the following Article in the case that such application has been made), the former stimulants manufacturer, the former establisher of a stimulants administering institution, or the former stimulants research worker shall report the name and quantity of the stimulants which were in his possession when the designation became null and void respectively to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein his manufactory (the stimulants custody office, as regards the stimulants which are in the custody of that custody office) is

located or to the Governor of To, Do, Fu, or Prefecture wherein his hospital or clinic or his research institute is located within 15 days from the day on which the designation became null and void (or from the day on which the disposition of rejection was taken with regard to the application for designation prescribed in the following Article in the case that such application was made; hereinafter the same clause is understood in this Article).

2. In the case of the preceding Paragraph, the former stimulants manufacturer, the former establisher of a stimulants administering institution, or the former stimulants research worker shall transfer the stimulants in his possession respectively to the present stimulants manufacturer, the present stimulants administering institution or the present stimulants research worker, and shall report the name and quantity of the stimulants thus transferred as well as the name (the appellation, if he is a legal person) and address of the receiver respectively to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein his manufactory (the stimulants custody office, as regards the stimulants which are in the custody of that custody office) is located or to the Governor of To, Do, Fu, or Prefecture wherein his hospital or clinic or his research institute is located within 30 days from the day on which the designation became null and void.

3. In case that the former stimulants manufacturer, the former establisher of a stimulants administering institution, or the former stimulants research worker has failed to transfer the stimulants concerned within the period of time prescribed in the preceding Paragraph, he shall immediately request the presence of the official concerned, and dispose of the stimulants concerned in accordance with his instructions.

4. The report under the provision of Paragraph 1, the transfer and report under the provision of Paragraph 2 as well as the disposal under the provision of the preceding Paragraph shall, in a case where the former stimulants manufacturer, the former establisher of a stimulants administering institution, or the former stimulants research worker has died or has been dissolved, be made respectively by the successor or by the liquidator or legal person who remains in existence after the amalgamation or who has been set up as a result of the amalgamation.

5. In the case of the preceding three Paragraphs, the provision of Paragraph 1 of Article 14 (Prohibition of Possession) shall not be applied to the former stimulants manufacturer, the former establisher of a stimulants administering institution, the former stimulants research worker, and their successors and their liquidators or legal persons who remain in existence after the amalgamation or who have been set up as a result of the amalgamation during the period from the day on which the designation lapsed to the time when the transfer or disposal under the provisions of the same Paragraphs takes place; the provision of Item 1 of Paragraph 2 (Exception to Prohibition of Possession) of the same Article and the provision of Item 2 of the same Paragraph shall be applied mutatus mutandis respectively to their assistants engaged in business and to the person engaged in a mail business or business of transportation of goods.

6. The provisions of Article 17 (Restriction and Prohibition of Transfer and Receipt) and Paragraph 2 of Article 21 (Prohibition of Transfer and Receipt of Stimulants which are not sealed with a Certificate Stamp) shall not be applied to the case of Paragraph 2 and Paragraph 4.

(An Exception in the case of Redesignation)

Article 25: The provisions of Paragraph 1 of Article 14 (Prohibition of Possession) and the preceding Article shall not be applied to the former stimulants manufacturer, the former establisher of a stimulants administering institution, and the former stimulants research worker as well as the former manager of the stimulants administering institution concerned in the case where the first three persons respectively have applied for being designated anew as stimulants manufacturer, stimulants administering institution and stimulants research worker before the expiration of the term of validity of designation stipulated in Article 6 (the Term of Validity of Designation) or within 30 days after the expiration of the term of validity of designation until the disposition of permission or refusal of the application has been made by the Minister of Health and Welfare or the Governor of To, Do, Fu, or Prefecture.

Article 26: Deleted.

(Disposal of Stimulants which have reverted to the National Treasury)

Article 27: The Minister of Health and Welfare may make necessary disposal in order to achieve the objective of this Law with regard to the stimulants which have reverted to the National Treasury by virtue of the provisions of Laws and Ordinances.

Chapter V. Record and Report concerning Business

(Book)

Article 28: The stimulants manufacturer, the manager of a stimulants administering institution, and the stimulants research worker shall respectively keep a book ready with respect to each manufactory, stimulants custody office, hospital or clinic, or research institute and shall enter the following matters:

(1) The name and quantity as well as the date of stimulants manufactured, transferred, received, whose custody shifted, administered, delivered for administering or used for research work;

(2) The name (the appellation in the case of a legal person) and address as well as the appellation and location of the manufactory, the stimulants custody office, the stimulants administering institution or the research institute of the other party of transfer or receipt;

(3) The name and quantity of the stimulants reported under the provision of Article 23 (Notification of Accidents).

2. Any person mentioned in the preceding Paragraph shall keep the book mentioned in the same Paragraph for 2 years from the day of the last entry.

(The Report of the Stimulants Manufacturer)

Article 29: The stimulants manufacturer shall report to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein the manufactory is located on the following matters within 15 days after the expiration of each of the four periods: namely, from January to March, April to June, July to September, and October to December:

(1) The name, quantity, and place of custody of the stimulants possessed at the beginning of the period;

(2) The name and quantity of the stimulants manufactured during the period;

(3) The name and quantity of the stimulants transferred during the period; and

(4) The name, quantity and place of custody of the stimulants possessed at the end of the period.

(The Report of the Manager of a Stimulants Administering Institution and of the Stimulants Research Worker)

Article 30: The manager of a stimulants administering institution of the stimulants research worker shall report every year by 15 December to the Governor of To, Do, Fu, or Prefecture wherein the hospital or clinic, or the research institute is located the name and quantity of the stimulants received, administered, delivered for administering, or used or manufactured for research work during the period from the day of being designated /the first of December in the preceding year in the case of the year following the year of being designated and the year when the application made under Article 25 (An Exception in the Case of Redesignation) has been permitted/ to 30 November in the same year as well as the name and quantity of the stimulants managed or possessed on 30 November in the same year.

Chapter V-2. Designation, Notification, Restriction, Prohibition, and Handling concerning Stimulant Raw Materials

(Conditions for Designation)

Article 30-2: Designation of the stimulant raw material importer, the stimulant raw material exporter, or the stimulant raw material manufacturer shall be made by the Minister of Health and Welfare with respect to each place of business or manufactory, as provided by the Ministry of Health and Welfare Ordinance, and the person to be designated as such shall have the qualifications mentioned in each of the following items and be the right person in the eyes of the Minister of Health and Welfare; designation of the stimulant raw material handler or the stimulant raw material research worker shall be made by the Governor of To, Do, Fu, or Prefecture wherein the place of business or research institute is located with respect to each place of business or research institute, as provided by the Ministry of Health and Welfare Ordinance, and the person to be designated as such shall have the qualifications mentioned in each of the following items and be the right person in the eyes of the Governor concerned:

(1) With regard to the stimulant raw material importer, he shall be the person who is a medical drug manufacturer, or who is permitted to engage in the business of importing and selling stimulant raw materials under the provision of Paragraph 1 (Permission to engage in the Business of Importing and Selling) of Article 22 of the Pharmaceutical Affairs Law, or who wants to make it his business to import stimulant raw materials, or who needs to import stimulant raw materials for his business;

(2) With regard to the stimulant raw material exporter, he shall be the person who is permitted to establish a pharmacy (hereinafter referred to as "the pharmacy establisher") under the provision of Paragraph 1 (Permission to establish a Pharmacy) of Article 5 of the Pharmaceutical Affairs Law, or who is the medicinal goods manufacturer, or who is permitted to engage in the general sales business or in the drug materials sales

business (hereinafter referred to as "the medicinal goods seller" in this Article) under the provision of Paragraph 1 (Permission to Engage in the Business of General Sales of Medicinal Goods) of Article 26 or of Paragraph 1 (Permission to Engage in the Business of Sales of Drug Materials) of Article 28 of the same Law, or who wants to make it his business to export stimulant raw materials;

(3) With regard to the stimulant raw material manufacturer, he shall be the person who is a medicinal goods manufacturer, or who intends to make it his business to manufacture stimulant raw materials, or who needs to manufacture stimulant raw materials for his business;

(4) With regard to the stimulant raw material handler, he shall be the person who is a pharmacy establisher, a medicinal goods manufacturer, or a medicinal goods seller, or the person who intends to make it his business to transfer stimulant raw materials, or who needs to use stimulant raw materials for his business;

(5) With regard to the stimulant raw material research worker, he shall be the person who has sufficient knowledge of stimulant raw materials and in addition needs to manufacture or use such materials for the purpose of his research work.

(Cancellation of Designation and Suspension of Business, etc.)

Article 30-3: In a case where the stimulant raw material importer, the stimulant raw material exporter, the stimulant raw material manufacturer, the stimulant raw material handler, or the stimulant raw material research worker has violated the provisions of this Law or the disposition based on the provisions of this Law, the Minister of Health and Welfare may cancel the designation or order the suspension of business or research work concerning stimulant raw materials for a fixed period of time with regard to the said importer, exporter or manufacturer, and the Governor of To, Do, Fu, or Prefecture may do the same with regard to the said handler or research worker.

2. The Minister of Health and Welfare or the Governor of To, Do, Fu, or Prefecture, in a case where he intends to make the disposition stipulated in the preceding Paragraph, shall notify the reason therefor as well as the date and place of the hearing concerned to the stimulant raw material importer, the stimulant raw material exporter, the stimulant raw material manufacturer, the stimulant raw material handler, or the stimulant raw material research worker who is to receive the disposition not later than two weeks prior to the date of the hearing, and hold the hearing requesting the attendance of the person concerned or his proxy.

3. At the hearing, the person who is to receive the disposition or his proxy may give explanation on behalf of himself or his principal and produce evidence in defence of himself or his principal.

4. The Minister of Health and Welfare or the Governor of To, Do, Fu, or Prefecture may make the disposition stipulated in Paragraph 1 without holding the hearing therefor in a case where the person who is to receive the disposition concerned or his proxy has failed to attend the hearing without justifiable reasons.

(Notification of Closing of Business, etc.)

Article 30-4: In a case where the stimulant raw material importer, the stimulant raw material exporter, the stimulant raw material manufacturer, the stimulant raw material handler, and the stimulant raw material research worker respectively have closed the business of importing stimulant raw materials at his place of business, the business of exporting stimulant raw materials at his place of business, the business of manufacturing stimulant raw materials at his manufactory, the business concerning transfer or use of stimulant raw materials, at his place of business, or the research work which requires manufacture or use of stimulant raw materials at his research institute, the stimulant raw material importer, the stimulant raw material exporter, or the stimulant raw material manufacturer shall notify to that effect to the Minister of Health and Welfare by way of the Governor of To, Do, Fu, or Prefecture wherein his place of business or manufactory is located accompanied by his designation certificate within 15 days from the day of closing concerned, and the stimulant raw material handler or the stimulant raw material research worker shall notify to that effect to the Governor of To, Do, Fu, or Prefecture wherein his place of business or research institute is located accompanied by his designation certificate within 15 days from the day of closing concerned.

2. The notification under the preceding Paragraph shall, in a case where the stimulant raw material importer, the stimulant raw material exporter, the stimulant raw material manufacturer, the stimulant raw material handler, or the stimulant raw material research worker has died or has been dissolved, be given respectively by the successor or by the liquidator or the legal person who remains in existence after the amalgamation or who has been set up as a result of amalgamation.

(Provisions Applicable Mutatis Mutandis with Regard to Designation and Notification)

Article 30-5: The provisions from Article 4 through Article 7 (Procedure of Application for Designation, Designation Certificate, Term of Validity of Designation, and Expiration of Designation) and those from Article 10 through Article 12 (Return and Presentation of the Designation Certificate, Reissue of Designation Certificate, and Notification of Change of Name or Address, etc.) shall be applied mutatis mutandis with regard to the stimulant raw material importer, the stimulant raw material exporter, the stimulant raw material manufacturer, the stimulant raw material handler, and the stimulant raw material research worker. In this case, "the stimulants manufacturer", "stimulants administering institution (one mentioned in Paragraph 2 of Article 12 excluded)" and "the establisher of a stimulants administering institution", and "the stimulants research worker" appearing in these provisions; "the manufactory" appearing in Paragraph 1 of Article 4, in Paragraph 2 of Article 5, in Paragraphs 1 and 2 of Article 10, in Article 11, and in Paragraph 1 of Article 12; "hospital or clinic" appearing in Paragraph 2 of Article 4, in Paragraphs 1 and 2 of Article 10, in Article 11, and in Paragraph 2 of Article 12; "the manufacturer concerned" and "the establisher of the administering institution concerned" appearing in Paragraph 1 of Article 5; "the next year" appearing in Article 6; "Article 9" appearing in Article 7 and "the preceding Article" appearing in Paragraph 1 of Article 10; "the provision of Paragraph 1 of Article 8 (Cancellation of Designation and Suspension of Business, etc.) or of Paragraph 1 of Article 75 (Cancellation of Permission) of the Pharmaceutical Affairs Law" and "the provision of Paragraph 1

of Article 8" appearing in Paragraph 2 of Article 10; "the disposition of a closing order under the provision of Article 29 (Cancellation of Permission to Establish a Closing Order) of the Medical Service Law" appearing in Paragraph 2 of Article 10; "the term of suspension of business, the term of closing" appearing in Paragraph 3 of Article 10; and "the name of the stimulants administering institution" appearing in Paragraph 2 of Article 12 respectively shall be read as "the stimulant raw material importer, the stimulant raw material exporter, or the stimulant raw material manufacturer", "the stimulant raw material handler", and "the stimulant raw material research worker"; as "the place of business or manufactory"; as "the place of business"; as "the importer, exporter or manufacturer concerned" and "the handler concerned"; as "the year to which the day which comes after 4 years starting from the day of designation belongs"; as "Article 30-4"; as "the provision of Paragraph 1 of Article 30-3"; as "the disposition of suspension of business under the provision of Paragraph 1 of Article 30-3"; as "the term of suspension of business"; and as "the name (the appellation in the case of a legal person) or the address or the appellation of the place of business".

(Restriction and Prohibition of Import and Export)

Article 30-6: No person shall import stimulant raw materials except in the case where the stimulant raw material importer imports them for his business with permission of the Minister of Health and Welfare and in accordance with the Ministry of Health and Welfare Ordinance.

2. No person shall export stimulant raw materials except in the case where the stimulant raw material exporter exports them for his business with permission of the Minister of Health and Welfare and in accordance with the Ministry of Health and Welfare Ordinance.

(Prohibition of Possession)

Article 30-7: No person possess stimulant raw materials except in each of the following cases:

(1) Where the stimulant raw material importer possesses them for the sake of his business;

(2) Where the stimulant raw material exporter possesses them for the sake of his business;

(3) Where the stimulant raw material manufacturer or the stimulants manufacturer possesses them for the sake of his business;

(4) Where the stimulant raw material handler possesses them for the sake of his business;

(5) Where the stimulant raw material research worker or the stimulants research worker possesses them for his research work;

(6) Where the establisher of a hospital or clinic, the medical practitioner or dental practitioner (hereinafter referred to as "the visiting doctor, etc.") prescribed in Paragraph 1 of Article 5 (Exceptions concerning the Visiting Doctor, etc.) of the Medical Service Law or the establisher of a veterinary clinic (the veterinarian who is engaged in the business of treating domestic animals solely by visiting included, and hereafter this term should be understood to the same effect) possesses the stimulant raw materials which are medicinal drugs for the sake of his business;

(7) Where the establisher of a pharmacy possesses stimulant raw materials which are medicinal drugs and which have been prepared by the pharmacist in accordance with a prescription of the medical practitioner, dental practitioner, or veterinarian, and those stimulant raw materials which are medicinal drugs and which are to be used for the preparation concerned;

(8) Where the pharmacist who is engaged in preparing medicines at a pharmacy, hospital, or clinic, the manager of a hospital or clinic, the medical practitioner who is engaged in medical examination and treatment at a hospital or clinic, the dental practitioner or the veterinarian who is engaged in medical examination and treatment of domestic animals (limited to those veterinarians who are the establishers of veterinary clinics and those veterinarians who are employed by the establishers of veterinary clinics, and this shall be the interpretation in such cases hereafter) possesses stimulant raw materials which are medicinal drugs for the sake of his business;

(9) Where the assistant engaged in business to the person prescribed in each of the preceding items possesses stimulant raw materials for the sake of the business;

(10) Where the person engaged in the postal service or business of transportation of goods possesses stimulant raw materials out of necessity in performing his business;

(11) Where the person who has been supplied stimulant raw materials which are medicinal drugs by the medical practitioner engaged in medical examination and treatment at a hospital or clinic, by the dental practitioner, by the visiting doctor, etc., or by the veterinarian who is engaged in medical examination and treatment of domestic animals, for the purpose of administering, possesses the stimulant raw materials concerned, and where the person who is engaged in nursing a person who receives the supply concerned possesses those stimulant raw materials concerned for the sake of the person nursed;

(12) Where the person who has received a prescription made by the medical practitioner, or dental practitioner or the veterinarian possesses stimulant raw materials which are medicinal drugs and which have been prepared by the pharmacist in accordance with the prescription concerned, and where the person who is engaged in nursing a person who receives the supply concerned possesses stimulant raw materials which are medicinal drugs prepared by the pharmacist in accordance with the prescription concerned for the sake of the person nursed;

(13) Where stimulant raw materials are possessed with reference to acts done on the basis of Laws and Ordinances.

(Prohibition of Manufacture)

Article 30-8: No person shall manufacture stimulant raw materials except in the cases prescribed in the following items:

(1) Where the stimulant raw material manufacturer, or the stimulant manufacturer manufactures stimulant raw materials for the sake of his business;

(2) Where the stimulant raw material research worker or the stimulant research worker manufactures stimulant raw materials for the sake of research work.

(Restriction and Prohibition of Transfer and Receipt)

Article 30-9: No person shall transfer or receive stimulant raw materials except in the cases prescribed in the following items:

(1) Where those prescribed in Item 1 through 5 of Article 30-7 (Prohibition of Possession) transfer or receive among themselves stimulant raw materials for the sake of their business or research work;

(2) Where the person prescribed in Item 6 or 7 of Article 30-7 receives stimulant raw materials which are medicinal drugs for the sake of his business from those prescribed in Item 1 or 3 through 5 of the same Article.

(3) Where the medical practitioner who is engaged in medical examination and treatment at a hospital or clinic, the dental practitioner, the visiting doctor, etc., or the veterinarian who is engaged in medical examination and treatment of domestic animals delivers stimulant raw materials which are medicinal drugs for administering, and where the establisher of a pharmacy, or the establisher of a hospital or clinic transfers stimulant raw materials which are medicinal drugs prepared by the pharmacist in accordance with a prescription made by the medical practitioner, dental practitioner or the veterinarian to the person who possesses the prescription concerned.

(4) Where the stimulant raw material importer or the stimulant raw material exporter imports or exports stimulant raw materials for his business with permission of the Minister of Health and Welfare prescribed in Paragraph 1 or 2 of Article 30-6 (Restriction and Prohibition of Import and Export).

(5) Where stimulant raw materials are transferred or received in connection with the execution of official business based on Law.

(Transfer Certificate and Receipt Certificate)

Article 30-10: In a case where stimulant raw materials are transferred or received (the cases mentioned in Item 3 and 4 of the preceding Article are excluded), the transferrer or receiver respectively shall enter necessary matters in the transfer certificate or receipt certificate which has been prepared in accordance with the form prescribed by the Ministry of Health and Welfare Ordinance, and after sealing the certificate the transferrer or receiver delivers it to the other party respectively.

2. The person to whom the transfer certificate or receipt certificate has been delivered under the preceding paragraph shall keep it for 2 years beginning on the date of receipt or transfer.

(Prohibition of Use)

Article 30-11: No person shall use stimulant raw materials except in the cases prescribed in the following items:

(1) Where those who are prescribed in Item 3 through 5 of Article 30-7 (Prohibition of Possession) use such materials for the sake of their business or research work;

(2) Where the visiting doctor, etc., and those who are prescribed in Item 8 of Article 30-7 administer stimulant raw materials which are medicinal drugs for the purpose of their business or use them for preparing medicines;

(3) Where the person who has received for administering stimulant raw materials which are medicinal drugs from the medical practitioner engaged in medical examination and treatment in a hospital or clinic, the dental practitioner, the visiting doctor, etc., or the veterinarian engaged in medical examination and treatment of domestic animals, administers the stimulant raw materials concerned. And in the case where the person who has been delivered a prescription made by the medical practitioner, dental practitioner or veterinarian receives from the establisher of a pharmacy, or the establisher of a hospital or clinic and administers stimulant raw materials which are medicinal drugs prepared by the pharmacist in accordance with the prescription concerned;

(4) Where such materials are used in connection with acts done on the basis of Laws and Ordinances.

(Custody)

Article 30-12: Those who are prescribed in Item 1 through 7 of Article 30-7 (Prohibition of Possession) (with regard to a hospital or clinic, such a person shall be its manager, and with regard to a clinic for domestic animals established by the State of a local public entity, such a person shall be a staff member designated by the establisher, and this shall be the interpretation in Article 30-14) shall keep in custody stimulant raw materials which they own or possess at the following places respectively:

(1) With regard to the stimulant raw material importer, stimulant raw material exporter, stimulant raw material manufacturer, or stimulants manufacturer, such a place shall be the place of business, or the manufactory or a place which has been notified in advance to the Minister of Health and Welfare through the Governor of To, Do, Fu or Prefecture in accordance with the Ministry of Health and Welfare Ordinance;

(2) With regard to the stimulant raw material handler, such a place shall be the place of business or a place which has been notified in advance to the Governor of To, Do, Fu, or Prefecture as provided by the Ministry of Health and Welfare Ordinance;

(3) With regard to the stimulant raw material research worker or the stimulants research worker, such a place shall be his research institute;

(4) With regard to the establisher of a pharmacy, such a place shall be his pharmacy;

(5) With respect to the manager of a hospital or clinic, such a place shall be his hospital or clinic. With regard to the visiting doctor, etc., such places shall be their residences;

(6) With regard to the establisher of a clinic for domestic animals (the particular staff member designated by the establisher in the case of a clinic for domestic animals established by the State or a local public entity) such a place shall be the establishment. (In the case of the veterinarian who is engaged in medical examination and treatment of domestic animals solely by visitation, such a place shall be his residence.)

2. The custody prescribed in the preceding Paragraph shall be done in a place secured with lock.

(Disuse)

Article 30-13: When those persons who are prescribed in Item 1 through 7 of Article 30-7 (Prohibition of Possession) intend to disuse the stimulant raw materials in their possession, they shall report to that effect to the Governor of To, Do, Fu, or Prefecture wherein the place of custody for the stimulant raw materials concerned is located, and do the disuse in the presence of the public service employee concerned.

(Notification of Accidents)

Article 30-14: Those persons who are prescribed in Item 1 through 7 of Article 30-7 (Prohibition of Possession), in a case where the stimulant raw materials owned or possessed by them should be lost, stolen or missing shall immediately report the name and quantity of the stimulant raw materials concerned and other matters necessary to make the situation of the accident clear. In this case, those who are prescribed in Item 1 through 3 of the same Article shall report to the Minister of Health and Welfare through the Governor of To, Do, Fu, or Prefecture wherein the place of custody for the stimulant raw materials concerned is located while the other persons shall report to the Governor of To, Do, Fu, or Prefecture wherein the place of custody for the stimulant raw materials concerned is located.

(Obligation to Take Measures in Case of Lapse of Designation, etc.)

Article 30-15: Those who are prescribed in Item 1 through 7 (the manager in the case of a hospital or clinic established by the State or a local public entity but a staff member designated by the establisher in the case where there is no such manager, and a staff member designated by the establisher in the case of a clinic for domestic animals established by the State or a local public entity) of Article 30-7 (Prohibition of Possession) shall in the following cases, report the name and quantity of the stimulant raw materials owned or possessed by them at the time of arising of the reasons concerned within 15 days from the day of arising of the reasons concerned to the Minister of Health and Welfare through the Governor of To, Do, Fu, or Prefecture where a place of custody for the stimulant raw materials concerned is located or to the Governor of To, Do, Fu, or Prefecture where a place of custody for the stimulant raw materials concerned is located according as they are the persons prescribed in Item 1 through 3 of the same article or the ones prescribed in the other Items:

(1) Where the designation of the stimulant raw material importer, stimulant raw material exporter, stimulant raw material manufacturer, stimulants manufacturer, stimulant raw material handler, stimulant raw material research worker, or stimulants research worker has lost its validity. In the case where an application has been made for the designation as provided by Article 25 (Exceptions in the Case of Redesignation), (including the case where it is applied mutatis mutandis in Paragraph 1 of the next Article), such obligatory steps shall be taken at the time when such an application has been officially refused.

(2) Where the establisher of a pharmacy has closed his pharmacy, where the effective term of the license has expired and the license has not been renewed or where the license has been cancelled by the provision of Paragraph 1 (Cancellation of a Permit) of Article 75 of the Pharmaceutical Affairs Law.

(3) Where the establisher of a hospital or clinic discontinues the hospital or clinic or where the permission for establishing the hospital or clinic has been revoked under the provision of Paragraph 1 (Revocation of Permission to Establish and Closing Order) of Article 29 of the Medical Service Law or where the visiting doctor, etc., have discontinued their practice.

(4) Where the establisher of a clinic for domestic animals has closed the clinic or discontinued the practice.

2. In the case of the preceding Paragraph, the person who must make the report concerned must transfer the stimulant raw materials owned or possessed by him to those persons who are prescribed in Item 1 through Item 7 of Article 30-7 within 30 days from the day of arising of the reasons mentioned in each Item of the preceding Paragraph; at the same time he must report the name and quantity of the stimulant raw materials transferred by him and the name of the transferee (when the transferee is a legal person, the name of the legal person) and the address to the Minister of Health and Welfare through To, Do, Fu, or Prefectural Governor or to To, Do, Fu, or Prefectural Governor in accordance with the division provided for in the preceding Paragraph.

3. In a case where the person provided for in the preceding Paragraph has failed to transfer the stimulant raw materials concerned within the period prescribed in the preceding Paragraph, he shall immediately request the presence of the official concerned, and in accordance with his instructions do disuse and other forms of disposition with regard to the stimulant raw materials concerned.

4. The provision of Paragraph 4 (Obligation to take Measures in Case of Lapse of Designation) of Article 24 shall be applied mutatis mutandis to those who have to make report and transfer and do disuse and other dispositions in accordance with the provisions of the preceding three Paragraphs with regard to the report, transfer, disuse and other dispositions as stipulated in the preceding three Paragraphs excepting the case where the establisher of a hospital or clinic or a clinic for domestic animals is the State or a local public entity with regard to Item 3 or 4 of Paragraph 1.

5. In the cases of the preceding three Paragraphs, the provision of Article 30-7 shall not be applied to those who have to make transfer, disuse, or other dispositions of stimulant raw materials as provided for by the provision of Paragraph 2 or 3, their successors or liquidators, or to the legal persons which continue in existence after the merger or have been set up as a result of the merger and their business assistants during the period from the day when such incidents as listed in Paragraph 1 took place to the time when such dispositions as provided in the preceding three Paragraphs are made.

6. In the cases specified in Paragraph 2 and 4, the provision of Article 30-9 (Restriction and Prohibition of Transfer and Receipt) shall not be applicable.

(Provisions to be Applied Mutatis Mutandis)

Article 30-16: The provision of Article 25 (An Exception in the case of Redesignation) shall be applied mutatis mutandis to the stimulant raw material importer, stimulant raw material exporter, stimulant raw material manufacturer, stimulant raw material handler and stimulant raw material research worker. In these cases, the following words, namely, "those who were stimulants manufacturers"; "establishers of institution for administering stimulants"; "stimulants research worker"; "Article 6"; "stimulants manufacturers"; "institutions for administering stimulants or"; and "Paragraph 1 of Article 14 with regard to these persons and those who were managers of institutions for administering stimulants concerned" shall be changed in reading to the following words respectively: "those who were stimulant raw material importers, stimulant raw material exporters, or stimulant raw material manufacturers"; "stimulant raw material handlers"; "stimulant raw material research workers"; "Article 6 to be applied mutatis mutandis in Article 30-5 (Provisions applicable mutatis mutandis with regard to Designation and Report)"; "stimulant raw material importers, stimulant raw material exporters, stimulant raw material manufacturers"; "stimulant raw materials handlers or"; and "Article 30-7 with regard to these persons and their business assistants".

2. The provision of Article 27 (Disposal of Stimulants which have Reverted to the State Treasury) shall be applicable mutatis mutandis to stimulant raw materials.

(Books)

Article 30-17: Those who are stipulated in Item 1 through Item 5 of Article 30-7 (Prohibition of Possession) shall provide their place of business, place of manufacture or place of research work with books separately and enter in them the following matters:

(1) The name and quantity of stimulant raw materials which they have imported, exported, manufactured, transferred, received, or used for the purpose of business or research work and the date thereof.

(2) The name and quantity of stimulant raw materials which have been notified in accordance with the provision of Article 30-14 (Report of Accident).

2. The persons stipulated in the preceding Paragraph shall keep the books mentioned in the same Paragraph for 2 years counting from the day of the last entry.

Chapter VI. Supervision

(Collection of Reports)

Article 31: The Minister of Health and Welfare or the Governor of To, Do, Fu, or Prefecture may, in a case where there are necessities in exercising control over stimulants or stimulant raw materials, demand the submission of necessary reports from the stimulants manufacturer, establisher or manager of a stimulants administering institution, stimulants research worker or those stipulated in Item 1 through 7 of Article 30-7 (Prohibition of Possession) (including the manager in the case of a hospital or clinic and a public service employee designated by the establisher in the case of a clinic for domestic animals established by the State or a local public entity).

(Entry Examination, Taking Away and Question)

Article 32: The Minister of Health and Welfare or the Governor of To, Do, Fu, or Prefecture may, in a case where there are necessities in exercising control over stimulants, have the public service employee concerned enter the manufactory or stimulants custody office of a stimulants manufacturer, the hospital or clinic which is a stimulants administering institution, or the research institute of a stimulants research worker, examine books and other things, take away stimulants or substances suspected of being stimulants for the purpose of experiment and only in the minimum amount necessary for that purpose, or ask questions with regard to the stimulants manufacturer, the establisher or manager of a stimulants administering institution, the medical practitioner engaged in medical treatment in a stimulants administering institution, the stimulants research worker, and other related persons.

2. The Minister of Health and Welfare or the Governor of To, Do, Fu, or Prefecture may, in a case where there are necessities in exercising control over stimulant raw materials, have the public service employee concerned enter the place prescribed in each item concerned of the person prescribed in each item of Article 30-12 (Custody) (excepting the residence of the visiting doctor, etc., and of the veterinarian engaged in the medical examination and treatment of domestic animals solely by visiting), examine books and other things, take away stimulant raw materials or any substances suspected of being stimulant raw materials for the purpose of experiment and only in the minimum amount necessary for that purpose, or ask questions with regard to the persons prescribed in Item 1 through 7 of Article 30-7 (Prohibition of Possession) and other related persons.

3. The provisions of the preceding two Paragraphs shall not be interpreted as having been enacted for the purpose of criminal investigation.

(Stimulants Inspector)

Article 33: Official authority of the public service employee concerned provided for by Article 22-2 (Disuse), Paragraph 3 of Article 24 (Disposal of Stimulants possessed at the Time of Lapse of Designation), Article 30-13 (Disuse), Paragraph 3 of Article 30-15 (Disposal of Stimulant Raw Materials possessed at the time of Lapse of Designation), and by Paragraphs 1 and 2 of the preceding Article, shall be exercised by the person mentioned in each of the following Items:

(1) The person who has been designated by the Minister of Health and Welfare from among the narcotic control officers or pharmaceutical inspectors.

(2) The person who has been designated by the Prefectural Governor from among the narcotic control officials or pharmaceutical inspectors.

2. Those who have been designated under Items 1 and 2 of the preceding Paragraph are called stimulants inspectors.

3. The stimulants inspector shall, in case he attends the disposal of stimulants under the provision of Article 22-2 or Paragraph 3 of Article 24, or he attends the disposal of stimulant raw materials under the provision of Article 30-13 or Paragraph 3 of Article 30-15, or in case he enters, examines, takes away or questions under Paragraph 1 or 2 of the preceding Article, take his identification certificate with him and present it on demand of the person concerned.

(Presentation of Opinion of the Governor of To, Do, Fu, or Prefecture)

Article 34: The Governor of To, Do, Fu, or Prefecture shall, in case he considers the disposition stipulated in Paragraph 1 of Article 8 or Paragraph 1 of Article 30-3 (Revocation of Designation and Suspension of Business) necessary with respect to the stimulants manufacturer, stimulant raw material importer, stimulant raw material exporter or stimulant raw material manufacturer, report to that effect to the Minister of Health and Welfare.

Chapter VII. Miscellaneous Provisions

(Procedure of Designation of Stimulants Administering Institution Established by the State of To, Do, Fu, or Prefecture)

Article 35: The Minister of Health and Welfare may, with respect to a hospital or clinic established by the State, make designation of a stimulant administering institution regardless of the provision concerning that part which deals with the person having the right of designation in Paragraph 1 of Article 3 (Condition of Designation) and the provision of Paragraph 2 of Article 4 (Procedure of Application for Designation) upon consultation with the competent Minister.

2. The Governor of To, Do, Fu, or Prefecture may, with respect to a hospital or clinic established by To, Do, Fu, or Prefecture, make designation of a stimulants administering institution regardless of the provision of Paragraph 2 of Article 4.

(Change of the Person Responsible for Notification, etc., in Stimulants Administering Institution Established by the State or Local Public Entity)

Article 36: With respect to a stimulants administering institution established by the State or by a local public entity, notification, return of the designation certificate and report mentioned in the following items shall be made by the manager (in a case where there is no manager, an officer designated by the establisher) of the administering institution concerned to the Minister of Health and Welfare through the Governor of To, Do, Fu, or Prefecture wherein the hospital or clinic is located with respect to the stimulants administering institution established by the State and to the Governor of To, Do, Fu, or Prefecture wherein the hospital or clinic is located with respect to the stimulants administering institution established by the local public entity.

(1) Notification under the provision of Paragraph 2 of Article 9 (Notification of Abolition of Medical Treatment, etc.);

(2) Return of the designation certificate under the provision of Paragraph 1 of Article 10 (Return of Designation Certificate in Case of the Lapse of Designation);

(3) Return of the old designation certificate under the provision of Paragraph 2 of Article 11 (Return of Old Designation Certificate which has been found after the Application for Reissue thereof);

(4) Notification under the provision of Paragraph 2 of Article 12 (Notification of Change of Name);

(5) Report under the provisions of Paragraph 1 (Report of Name and Quantity of Stimulants Owned at the Lapse of Designation) and Paragraph 2 (Transfer of Stimulants Owned at the Lapse of Designation and the Report Thereof) of Article 24.

2. With respect to the stimulants administering institution established by the State or a local public entity, transfer or disposal of stimulants under the provision of Paragraph 2 (Transfer of Stimulants Owned at the Lapse of Designation and the Report Thereof) or Paragraph 3 (Disposal of Stimulants Owned at the Lapse of Designation) of Article 24 shall be made by the manager (in a case where there is no manager, officer designated by the establisher) of the administering institution concerned.

3. In the case of the preceding Paragraph, the provisions of Paragraph 5 (Exception to Prohibition of Possession) and Paragraph 6 (Exception to Restriction and Prohibition of Transfer and Receipt) of Article 24 shall be applied mutatis mutandis.

(Special Cases of Stimulants Administering Institution Established by the State)

Article 37: Except the cases provided for in this Law, special cases necessary for applying the provisions of this Law to the stimulants administering institution established by the State shall be provided by Ministry of Health and Welfare Ordinance.

(Fees)

Article 38: Any one who comes under any of the following items shall pay the fee fixed by Government Ordinance taking into consideration the actual expenses needed for examination of the application mentioned in the item concerned.

(1) Any one who applies for designation of stimulants manufacturer;

(2) Any one who applies for designation of stimulants administering institution;

(3) Any one who applies for designation of stimulants research worker;

(4) Any one who applies for designation of stimulant raw material importer;

(5) Any one who applies for designation of stimulant raw material exporter;

(6) Any one who applies for designation of stimulant raw material manufacturer;

(7) Any one who applies for designation of stimulant raw material handler;

(8) Any one who applies for designation of stimulant raw material research worker;

(9) Any one who applies for reissue of designation certificate.

2. With respect to the fees paid by the persons mentioned in Item (1) and Items (4) through (6) in the preceding Paragraph and the fees paid by the persons who apply for reissue of designation certificate of stimulants manufacturer, stimulant raw material importer, stimulant raw material exporter, or stimulant raw material manufacturer among the persons referred to

in Item (9) in the same Paragraph, one half of the amount shall be the revenue of the State Treasury, and the balance shall be that of To, Do, Fu, or Prefecture, while with regard to any other fee, its total amount shall be the revenue of To, Do, Fu, or Prefecture.

(Prices of Transfer Certificate, Receipt Certificate and Certificate Stamp)

Article 39: Any one who needs the blank form of Transfer Certificate or Receipt Certificate provided for under Article 18 (Transfer Certificate and Receipt Certificate) and any one who needs the Certificate Stamp provided for under Paragraph 1 of Article 21 (Enclosing of Manufactured Stimulants with a Certificate Stamp) shall pay a sum as a price fixed within the range of actual expenses by the Ministry of Health and Welfare Ordinance respectively to To, Do, Fu, or Prefecture and to the National Treasury.

(Special Case concerning Time-Limit in Case there is Agency through which Procedures are made)

Article 40: With respect to notification, return or presentation of designation certificate or report to be made to the Minister of Health and Welfare through the Governor of To, Do, Fu, or Prefecture under the provisions of this Law, in case the notification, designation certificate or report has been presented to the Governor of To, Do, Fu, or Prefecture within the time-limit fixed under the provision concerned, such an action shall be regarded as having been exercised within the fixed time-limit.

Chapter VIII. Penal Provisions

(Penalties)

Article 41: Any one who comes under any of the following items shall be liable to a penal servitude for 1 year and more:

(1) Any one who has violated the provision of Article 13 (Prohibition of Import and Export);

(2) Any one who has violated the provision of Paragraph 1 of Article 15 (Prohibition of Manufacture).

2. Those who have committed violations described in the preceding Paragraph for the purpose of making profit shall be punished with imprisonment at forced labor for life or of more than 3 years or imprisonment at forced labor for life or of more than 3 years and a fine not exceeding 5,000,000 yen in consideration of the extenuating circumstances.

3. Attempted offence under the preceding two Paragraphs shall be punished.

Article 41-2: Any one who comes under any of the following Items shall be punished with imprisonment at forced labor not exceeding 10 years:

(1) Any one who has violated the provision of Paragraph 1 of Article 14 (Prohibition of Possession);

(2) Any one who has violated the provisions of Paragraphs 1 to 3 inclusive of Article 17 (Restriction and Prohibition of Transfer and Receipt);

(3) Any one who has violated the provision of Article 19 (Prohibition of Use);

(4) Any one who has violated the provision of Paragraph 2 or 3 of Article 20 (Restriction of Administering done for other Purposes than Medical Treatment of Other Persons, or Restriction of Administering for Relieving Addiction for Treatment);

(5) Any one who has violated the provision of Article 30-6 (Restriction and Prohibition of Import and Export);

(6) Any one who has violated the provision of Article 30-8 (Prohibition of Manufacture);

2. Those who have committed offences described in the preceding Paragraph for the purpose of making profit shall be punished with imprisonment at forced labor for fixed term of over 1 year or imprisonment at forced labor for fixed term of over 1 year and a fine of not more than 3,000,000 yen in consideration of the extenuating circumstances.

3. Attempted offences under Items (2) to (6) of Paragraph 1 and the preceding Paragraph (Limited to the part which concerns Items (2) to (6) of Paragraph 1) shall be punished.

Article 41-3: Any one who comes under any of the following items shall be punished with imprisonment at forced labor for not more than 7 years:

(1) Any one who has violated the provision of Paragraph 1 of Article 20 (Restriction of Administering of Stimulants which are not under Management);

(2) Any one who has violated the provision of Paragraph 5 of Article 20 (Restriction of Administering by Stimulants Research Worker);

(3) Any one who has violated the provision of Article 30-7 (Prohibition of Possession);

(4) Any one who has violated the provision of Article 30-9 (Restriction and Prohibition of Transfer and Receipt);

(5) Any one who has violated the provision of Article 30-11 (Prohibition of Use).

2. Those who have committed offences described in Items (3) to (5) of the preceding Paragraph for the purpose of making profit shall be punished with imprisonment at forced labor for not more than 10 years or imprisonment at forced labor for not more than 10 years and a fine of not more than 1,000,000 yen in consideration of the extenuating circumstances.

3. Attempted offences under Items (4) and (5) of Paragraph 1 and the preceding Paragraph (limited to the part which concerns Items (4) and (5) of Paragraph 1) shall be punished.

Article 41-4: Any one who comes under any of the following Items shall be punished with imprisonment at forced labor for not more than 3 years or a fine of not more than 200,000 yen or both punishments are imposed concurrently:

(1) Any one who has violated the order of suspension of business or research work under the provision of Paragraph 1 of Article 8 (Revocation of Designation and Suspension of Business);

(2) Any one who has violated the provision of Paragraph 3 of Article 15 (Restriction of Manufacture);

(3) Any one who has violated the order of suspension of business or research work under the provision of Paragraph 1 of Article 30-3 (Revocation of Designation and Suspension of Business).

2. The attempted offences described in Item (2) of the preceding Paragraphs shall be punished.

Article 41-5: Any one who has made preparations for the purpose of committing a crime provided for in Paragraph 1 or 2 of Article 41 or Item (5) or (6) of Paragraph 1 of Article 41-2 or Paragraph 2 (limited to the part which concerns Item (5) or (6) of Paragraph 1 of the same Article) shall be punished with imprisonment at forced labor for not more than 5 years.

Article 41-6: The stimulants or stimulant raw material involved in the offences described in the preceding five Articles and possessed or owned by the offender shall be confiscated. However, in case the said thing belongs to any other person than the offender, the same may not be confiscated.

Article 41-7: Any one who has intentionally offered money, land, building, ship, aircraft, machine, or equipment required for the commission of any of the violations described in Paragraph 1 or 2 of Article 41 or Item (5) or (6) of Paragraph 1 of Article 41-2 or Paragraph 2 (limited to the part which concerns Item (5) or (6) of Paragraph 1 of the same Article) shall be punished with imprisonment at forced labor for not more than 5 years.

Article 41-8: Any one who has mediated between transfer and receipt of stimulants or stimulant raw materials which are prohibited by the provision of Article 17 or Article 30-9 (Restriction and Prohibition of Transfer and Receipt) shall be punished with imprisonment at forced labor for not more than 3 years.

Article 42: Any one who comes under any of the following items shall be punished with imprisonment at forced labor for not more than 1 year or a fine of not more than 50,000 yen or both punishments are imposed concurrently.

(1) Any one who has violated the provision of Paragraph 3 of Article 5 (Prohibition of Transfer and Loan of Designation Certificate);

(2) Any one who has violated the provision of Article 16 (Manager of Stimulants Administering Institution);

(3) Any one who has not delivered transfer certificate or receipt certificate or has entered false statement therein in violation of the provision of Paragraph 1 of Article 18 (Delivery of Transfer Certificate and Receipt Certificate);

(4) Any one who has violated the provision of Paragraph 3 of Article 18 (Prohibition of Transfer of Transfer Certificate and Receipt Certificate);

(5) Any one who has violated the provision of Paragraph 1 of Article 21 (Enclosing with a Certificate Stamp) or Paragraph 2 (Prohibition of Transfer and Receipt of Stimulants Not Sealed with Certificate Stamp) of the same Article;

(6) Any one who has violated the provision of Article 22 (Custody and Shift of Custody);

(7) Any one who has violated the provision of Article 22-2 (Disuse);

(8) Any one who has not made the notification or had made false notification under the provision of Article 23 (Notification of Accident);

(9) Any one who has not made report under the provision of Paragraph 1 (Report of Name and Quantity of Stimulants Owned at the Lapse of Designation), Paragraph 2 (Transfer of Stimulants Owned at the Lapse of Designation and the Report Thereof), Paragraph 4 (Transfer of Duty to Report in Case of Death or Dissolution) of Article 24 or the

provision of Paragraph 1 of Article 36 (Change of Person Responsible for Notification, etc., in Stimulants Administering Institution Established by the State or Local Public Entity) concerning Paragraphs 1 and 2 of Article 24 or who has made false report thereunder;

(10) Any one who has violated the provision of Paragraph 3 (Disposal of Stimulants in Possession at the Lapse of Designation) or Paragraph 4 (Transfer and Shift of Duty to Dispose in case of Death or Dissolution) of Article 24 or the provision of Paragraph 2 of Article 36 (Change of Person responsible for Disposition in Stimulants Administering Institution established by the State or Local Public Entity) concerning Paragraph 3 of Article 24;

(11) Any one who has not furnished the book or has not made entry in the book or has entered false statement therein under the provision of Paragraph 1 of Article 28 (Furnishing Book and Entry);

(12) Any one who has not made the report or has made false report under the provision of Article 29 (Report of Stimulants Manufacturer);

(13) Any one who has not made the report or has made false report under the provision of Article 30 (Report of the Manager of Stimulants Administering Institution and Stimulants Research Worker);

(14) Any one who has violated the provision of Paragraph 3 of Article 5 which is applied mutatis mutandis in the provision of Article 30-5 (Provisions Applicable Mutatis Mutandis with regard to Designation and Notification);

(15) Any one who has not delivered a transfer certificate or a receipt certificate or has made false statements in them in contravention of the provision of Paragraph 1 of Article 30-10 (Delivery of Transfer Certificate and Receipt Certificate);

(16) Any one who has violated the provision of Article 30-12 (Custody);

(17) Any one who has violated the provision of Article 30-13 (Disuse);

(18) Any one who has failed to make the report prescribed by Article 30-14 (Report of Accident) or made a false report;

(19) Any one who has not made the report or has made a false report under the provision of Paragraph 1 (Report on Name and Quantity of Stimulant Raw Materials owned or possessed at the Lapse of Designation) or Paragraph 2 (Transfer of Stimulant Raw Materials owned or possessed at the Lapse of Designation and its Report) of Article 30-15 or Paragraph 4 of Article 24 (Shift of Duty to Report in case of Death or Dissolution) which is applied mutatis mutandis in Paragraph 4 of Article 30-15;

(20) Any one who has violated the provision of Paragraph 3 of Article 30-15 (Disuse and other Forms of Disposition of Stimulant Raw Materials owned or possessed at the Lapse of Designation) or of Paragraph 4 of Article 24 (Shift of Duty to dispose in case of Death or Dissolution) which is applied mutatis mutandis in Paragraph 4 of Article 30-15.

(21) Any one who has not provided himself with the books or has neglected to write in them or has entered a false statement in them as provided by the provision of Paragraph 1 of Article 30-17.

Article 42-2: Any one who comes under any of the following Items shall be punished with a fine of not more than 50,000 yen:

(1) Any one who has violated the provision of Article 9 (Notification of Closing of Business) or the provision of Paragraph 1 of Article 36 (Change of the Person responsible for Notification at the Stimulants Administering Institution established by the State or Local Public Entity) concerning Paragraph 2 of Article 9;

(2) Any one who has violated the provision of Paragraph 2 of Article 18 (Keeping of Transfer Certificate and Receipt Certificate);

(3) Any one who has violated the provision of Paragraph 2 of Article 28 (Keeping of Books);

(4) Any one who has violated the provision of Article 30-4 (Notification of Closing of Business);

(5) Any one who has violated the provision of Paragraph 2 of Article 30-10 (Keeping of Transfer Certificate and Receipt Certificate);

(6) Any one who has violated the provision of Paragraph 2 of Article 30-17 (Keeping of Books);

(7) Any one who has not made the report prescribed by the provision of Article 31 (Collection of Reports) or who has made false reports;

(8) Any one who has rejected, obstructed, or avoided entry examination, or taking away, or has not answered the question or has made false statements under the provision of Paragraph 1 or 2 of Article 32 (Entry Examination, Taking Away and Question).

(Administrative Punishment)

Article 43: Any one (the representative in case of a legal person) who comes under any of the following items shall be liable to a non-penal fine not exceeding 30,000 yen:

(1) Any one who has violated the provision of Paragraph 1 (Return of Designation Certificate) or Paragraph 2 (Presentation of Designation Certificate) of Article 10 or the provision of Paragraph 1 of Article 36 (Change of the Person responsible for Notification in Stimulants Administering Institution Established by the State or Local Public Entity) concerning Paragraph 1 of Article 10;

(2) Any one who has violated the provision of Paragraph 2 of Article 11 (Return of Old Designation Certificate) or the provision of Paragraph 1 of Article 36 concerning Paragraph 2 of Article 11;

(3) Any one who has violated the provision of Article 12 (Notification of Change of Name or Address, etc.) or the provision of Paragraph 1 of Article 36 concerning Paragraph 2 of Article 12;

(4) Any one who has violated the provision of Paragraph 4 of Article 20 (the case where this Provision is applied mutatis mutandis under the Provision of Paragraph 6 of the same Article is included) (Procedure of Delivery for Administering);

(5) Any one who has violated the provision of Paragraph 1 or 2 of Article 10 which is applied mutatis mutandis under the provision of Article 30-5 (Provisions Applicable Mutatis Mutandis with Regard to Designation and Notification);

(6) Any one who has violated the provision of Paragraph 2 of Article 11 which is applied mutatis mutandis under the provision of Article 30-5;

(7) Any one who has violated the provision of Article 12 which is applied mutatis mutandis under the provision of Article 30-5.

Article 44: Deleted.

(Penalty for Agent and Principal)

Article 45: In cases where any representative of a legal person, or proxy, employee or other workers of a legal person or of a natural person, commits the violation under Paragraph 2 or 3 of Article 41, Paragraph 2 or 3 of Article 41-2, Paragraph 2 or 3 of Article 41-3, Article 41-4, Article 42 or Article 42-2, for the business of the legal person or the natural person, not only the offender shall be punished, but also the legal person or the natural person concerned shall be liable to a fine under each Article.

Separate table

1. 1-phenyl-2-methylaminopropanol-1, its salts and substances containing any quantity of them. Provided, however, that substances containing not more than 10% of 1-phenyl-2-methylaminopropanol-1 shall be exempted.

2. 1-phenyl-1-chloro-2-methylaminopropane, its salts and substances containing any quantity of them.

3. 1-phenyl-2-dimethylaminopropanol-1, its salts and substances containing any quantity of them. Provided, however, that substances containing not more than 10% of 1-phenyl-2-dimethylaminopropanol-1 shall be exempted.

4. 1-phenyl-1-chloro-2-dimethylaminopropane, its salts and substances containing any quantity of them.

5. 1-phenyl-2-dimethylaminopropane, its salts and substances containing any quantity of them.

6. Phenylacetic acid, its salts and substances containing any quantity of them. Provided, however, that substances containing not more than 10% of phenylacetic acid shall be exempted.

7. Phenylacetoacetonitrile and substances containing any quantity of phenylacetoacetonitrile.

8. Phenylacetone and substances containing any quantity of phenylacetone.

9. Any substances which can be converted into stimulants and designated by Ordinance.

E/NL.1979/16

NARCOTIC CONTROL LAW

(Law No. 14 of 17 March 1953) 1/
Amendments:
Law No. 71 of 22 April 1954 2/
Law No. 163 of 8 June 1954
Law No. 65 of 12 July 1955 3/
Law No. 145 of 10 August 1960
Law No. 108 of 21 June 1963 4/
Law No. 57 of 11 April 1964
Law No. 111 of 1 June 1970
Law No. 28 of 10 May 1972
Law No. 103 of 26 June 1972

CONTENTS

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

Page

Chapter I. General Provisions

(Purpose)

Article 1: The purpose of this Law is to promote the public welfare through preventing danger to health and sanitation arising from the abuse of narcotic drugs by taking such measures as conducting the necessary medical treatments for narcotic addicts, as well as by exercising the necessary controls over import, export, manufacture, compounding, transfer, obtainment (by transfer) and possession of narcotic drugs.

(Definitions)

Article 2: The following definitions shall apply throughout this Law:

(1) "Narcotic drug" means any of the substances listed in Annexed Law.

(2) "Opium poppy" means Opium poppy provided in Opium Law (Law No. 71 of 1954). 5/

(3) "Opium" means Opium provided in Opium Law.

(4) "Poppy straw" means Poppy straw provided in Opium Law.

(5) "Exempt narcotic preparation" means any of the substances provided in the Proviso of Item 21 of Paragraph of Narcotic Drugs of Opium-alkaloid Group in Annexed List.

(6) "Narcotic handler" means any narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations, narcotic central wholesale dealer, narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator, and narcotic research worker.

(7) "Narcotic dealer" means narcotic handler other than narcotic practitioner, narcotic administrator and narcotic research worker.

(8) "Narcotic importer" means a person who is engaged in the professional importation of narcotic drugs under the license granted by the Minister of Health and Welfare.

(9) "Narcotic exporter" means a person who is engaged in the professional exportation of narcotic drugs under the license granted by the Minister of Health and Welfare.

(10) "Narcotic manufacturer" means a person who is engaged in the professional manufacture of narcotic drugs (including the refining of narcotic drugs and the chemical transformation of narcotic drugs into the other narcotic drugs, and hereinafter referred to as such) under the license granted by the Minister of Health and Welfare.

(11) "Narcotic compounder" means a person who is engaged in the professional compounding of narcotic drugs (signifying the transformation of narcotic drugs into the other narcotic drugs without chemical processes, but excluding the dispensation of narcotic drugs, 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 narcotic drugs (signifying to subdivide narcotic drugs obtained (by transfer) from others and put them into containers, and hereinafter referred to as such) under the license granted by the Minister of Health and Welfare.

(12) "Manufacturer of exempt narcotic preparations" means a person who is engaged in the professional manufacture of exempt narcotic preparations under the license granted by the Minister of Health and Welfare.

5/ Note by the Secretariat: E/NL.1954/149

(13) "Narcotic central wholesale dealer" means a person who is engaged in the professional transfer of narcotic drugs to narcotic local wholesale dealers under the license granted by the Minister of Health and Welfare.

(14) "Narcotic local wholesale dealer" means a person who is engaged in the professional transfer of narcotic drugs to narcotic retail dealers, the proprietors of narcotic medical establishments or proprietors of narcotic research establishments under the license granted by the governor of the Metropolis, Hokkaido or Prefecture.

(15) "Narcotic retail dealer" means a person who is engaged in the professional transfer of narcotic drugs dispensed according to medical prescriptions including narcotic drugs (hereinafter referred to as "narcotic prescription") issued by narcotic practitioners, under the license granted by the governor of the Metropolis, Hokkaido or Prefecture.

(16) "Narcotic practitioner" means a person who, for the purpose of treatment of diseases, professionally administers narcotic drugs, supplies them for administering or issues narcotic prescriptions, under the license granted by the governor of the Metropolis, Hokkaido or Prefecture.

(17) "Narcotic administrator" means a person who professionally takes charge of the narcotic drugs to be administered or to be supplied for administering, at his narcotic medical establishment, under the license granted by the governor of the Metropolis, Hokkaido or Prefecture.

(18) "Narcotic research workers" means a person who, for scientific researches, cultivates plants from which narcotic drugs are obtained (excluding opium poppy, and hereinafter referred to as such), manufactures narcotic drugs or uses narcotic drugs, opium or poppy straw.

(19) "Place of business" means premises where any narcotic handler handles narcotic drugs for performing his business or scientific researches, signifying shop, manufactory, compounding place, pharmacy, hospital, clinic (including the residence of a doctor or dentist provided in Paragraph 1 of Article 5 of Medical Treatment Law (Law No. 205 of 1948), and hereinafter referred to as such), establishment for treatment of 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 establishment. Provided, however, that in the case of a narcotic practitioner or a narcotic research worker who is engaged in medical, dental or veterinary treatment or scientific research at two or more hospitals, clinics or establishments for treatment of animals, or research establishments in the same Metropolis, Hokkaido or Prefecture, only the hospital, the clinic or the establishment for treatment of animals, or the research establishment where the narcotic practitioner or the narcotic research worker is chiefly engaged in medical, dental or veterinary treatment or scientific research shall be deemed to be the place of business.

(20) "Narcotic medical establishment" means the hospital, clinic and establishment for treatment of animals where narcotic practitioners are engaged in medical, dental or veterinary treatment.

(21) "Narcotic research establishment" means the research establishment where narcotic research workers are engaged in scientific researches.

(22) "Narcotic addiction" means the chronic intoxication of narcotic drugs, cannabis or opium.

(23) "Narcotic addict" means a person who is in the state of narcotic addiction.

Chapter II. License

(License)

Article 3: The license of narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer shall be granted by the Minister of Health and Welfare and that of narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker shall be granted by the governor of the Metropolis, Hokkaido or Prefecture, to every place of business.

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

(1) As to the license of a narcotic importer, and person who has obtained the license for the professional importation of drugs in accordance with the provisions of Pharmaceutical Affairs Law (Law No. 145 of 1960);

(2) As to the license of a narcotic exporter, any person who has obtained the license for the professional manufacture or sale of drugs in accordance with the provisions of Pharmaceutical Affairs Law and who is a pharmacist or employs a pharmacist;

(3) As to the license of a narcotic manufacturer, narcotic compounder or manufacturer of exempt narcotic preparations, any person who has obtained the license for the professional manufacture of drugs in accordance with the provisions of Pharmaceutical Affairs Law;

(4) As to the license of a narcotic central wholesale dealer or narcotic local wholesale dealer, any person who has obtained the license for establishment of a pharmacy in accordance with the provisions of Pharmaceutical Affairs Law or any person who has obtained the license for the professional sale of drugs in accordance with the provisions of Pharmaceutical Affairs Law and who is a pharmacist himself or employs a pharmacist;

(5) As to the license of a narcotic retail dealer, any person who has obtained the license for establishment of a pharmacy in accordance with the provisions of Pharmaceutical Affairs Law;

(6) As to the license of a narcotic practitioner, doctor, dentist or veterinarian;

(7) As to the license of a narcotic administrator, doctor, dentist, veterinarian or pharmacist;

(8) As to the license of a narcotic research worker, any person who needs, for scientific researches, to cultivate plants from which narcotic drugs are obtained, to manufacture narcotic drugs or to use narcotic drugs, opium or poppy straw.

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

(1) Any person whose license has been revoked in accordance with the provision of Paragraph 1 of Article 51 and who has not passed three years after the date of the revocation;

(2) Any person who has been sentenced to a penalty heavier than a fine and has not passed three years after the completion of or releasement from his sentence;

(3) Any person, except those who fall under 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 Service 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) Any person adjudged incompetent;

(5) Any lunatic, narcotic addict or stimulants addict;

(6) Any juridical person or organization having a person who comes under any of the preceding items among the officers conducting its business.

4. The governor of the Metropolis, Hokkaido or Prefecture shall, in case he has granted a license to a narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker, report to that effect to the Minister of Health and Welfare as expeditiously as possible.

(License Card)

Article 4: The Minister of Health and Welfare or the governor of the Metropolis, Hokkaido or Prefecture shall, in case he has granted a license to a narcotic handler in accordance with the provisions of the preceding Article, issue a license card to the narcotic handler concerned.

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

3. No license card shall be transferred or lent to any other person.

(Term of Validity of License)

Article 5: The term of validity of license of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer shall be from the date of its grant to 31 December of the same year and that of narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker shall be from the date of its grant to 31 December of the next year.

(Invalidation of License)

Article 6: The license of a narcotic handler shall, in addition to the case of the expiration of the term of its validity and the case of its revocation under the provision of Paragraph 1 of Article 51, become null and void in any of the following cases:

(1) In case the notice in Paragraph 1 of the following Article has been given;

(2) In case the narcotic handler concerned has lost the qualification in any of the Items of Paragraph 2 of Article 3.

(Notification of Discontinuance of Business, etc.)

Article 7: A narcotic handler shall, in case he has discontinued the business or research of narcotic drugs at the place of business relating to the license concerned within the term of validity of the license, give, within 15 days from the discontinuance of business or research, the notice accompanied by the license card, to the Minister of Health and Welfare in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer, and to the governor of the Metropolis, Hokkaido or Prefecture in the case of a narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

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

3. A successor of or an administrator of the estate, of a narcotic handler or a narcotic handler of juridical person, 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 the narcotic handler has been dead or the narcotic handler of juridical person has been dissolved, within 15 days, give the notice accompanied by the license card to the Minister of Health and Welfare in the case of death or dissolution of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer, and to the governor of the Metropolis, Hokkaido or Prefecture in the case of death or dissolution of a narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

4. The governor of the Metropolis, Hokkaido or Prefecture shall, in case he has received the notice in any of the preceding three Paragraphs, report to that effect to the Minister of Health and Welfare as expeditiously as possible.

(Return of License Card)

Article 8: A narcotic handler shall, in case the term of validity of the license has expired or the license has been revoked in accordance with the provision of Paragraph 1 of Article 51, within 15 days, return the license to the Minister of Health and Welfare in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer, and to the governor of the Metropolis, Hokkaido or Prefecture in the case of narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

(Notification of Alteration of Matters mentioned in License card)

Article 9: A narcotic handler shall, in case alteration has occurred in the matters mentioned in the license card, within 15 days give the notice accompanied by the license to the Minister of Health and Welfare in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer, and to the governor of the Metropolis, Hokkaido or Prefecture in the case of a narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

2. The Minister of Health and Welfare or the governor of the Metropolis, Hokkaido or Prefecture shall, in case he has received the notice in the preceding Paragraph, renew the license card and issue it to the narcotic handler concerned as expeditiously as possible.

(Reissue of License Card)

Article 10: A narcotic handler shall, in case the license card has been damaged or lost, within 15 days, apply for reissue of the license card with the reason therefor, and besides, with the license card concerned in the case of damage, to the Minister of Health and Welfare in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer, and to the governor of the Metropolis, Hokkaido or Prefecture in the case of a narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

2. A narcotic handler shall, in case the lost license card has been found after the license card was reissued in accordance with the provision of the preceding Paragraph, within 15 days return the found license card, to the Minister of Health and Welfare in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer, and to the governor of the Metropolis, Hokkaido or Prefecture in the case of a narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

(Fees)

Article 11: Any person mentioned in any of the following items shall pay the fee fixed as follows:

(1) Any person who applies for the license of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer; 4,000 Yen

(2) Any person who applies for the license of a narcotic local wholesale dealer; 2,000 Yen

(3) Any person who applies for the license of a narcotic retail dealer, narcotic practitioner or narcotic administrator; 500 Yen

(4) Any person who applies for the license of a narcotic research worker; 500 Yen

(5) Any person who applies for reissue of the license card 300 Yen

2. The fee in Item 1 of the preceding Paragraph and the fee to be paid under Item 5 of the preceding Paragraph for reissue of the license card of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer, shall go to the national treasury, and the other fees prescribed under the preceding Paragraph shall go to the Metropolitan, Hokkaido or Prefectural coffers.

Chapter III. Prohibition and Restriction

(Prohibitive Action)

Article 12: No one shall import, export, manufacture, compound, transfer, obtain (by transfer), supply, administer, possess or destroy diacetylmorphine, its salts or narcotic drugs containing any of them. Provided, however, that this provision shall not apply where the proprietor of a narcotic research establishment transfers, obtains (by transfer), or destroys such narcotic drugs under the permission of the Minister of Health and Welfare and where a narcotic research worker manufactures, compounds, administers or possesses such narcotic drugs for scientific researches under the permission of the Minister of Health and Welfare.

2. No one shall import or export opium powder.

3. No one shall cultivate plants from which narcotic drugs are obtained. Provided, however, that this provision shall not apply where a narcotic research worker cultivates such plants for scientific researches under the permission of the Minister of Health and Welfare.

4. No one shall undergo the administering of narcotic drugs as prohibited in accordance with the provision of Paragraph 1.

(Import)

Article 13: No person other than a narcotic importer shall import narcotic drugs (excluding the narcotic drugs provided in Paragraphs 1 and 2 of the preceding Article, and referred to as such only in Articles 13 to 19).

(Authorization for Import)

Article 14: A narcotic importer shall, in case he intends to import narcotic drugs, obtain the authorization of the Minister of Health and Welfare for each import.

2. Any person who intends to obtain the authorization 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 narcotic drugs 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 authorization in Paragraph 1 shall, in case he intends to alter any of the matters in the preceding Paragraph, obtain the authorization of the Minister of Health and Welfare.

4. The Minister of Health and Welfare may not grant the authorization in Paragraph 1 or the preceding Paragraph in case he considers it inadequate to do so, having regard to the domestic requirements and stock of the narcotic drugs in question.

5. The Minister of Health and Welfare shall, in case he has granted the authorization in Paragraph 1, issue the import authorization and certificate of the import authorization 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 authorization in Paragraph 3, renew the import authorization and certificate of the import authorization and issue them to the applicant concerned.

(Submission of Certificate of Export Authorization)

Article 15: A narcotic importer shall, in case he has imported the narcotic drugs, submit the certificate of the export authorization 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 narcotic drugs or the date of the receipt of the certificate.

(Return of Import Authorization)

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

(Export)

Article 17: No person other than a narcotic exporter shall export narcotic drugs.

(Authorization for Export)

Article 18: A narcotic exporter shall, in case he intends to export narcotic drugs, obtain the authorization of the Minister of Health and Welfare for each export.

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

(1) The name and quantity of the narcotic drugs 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 authorization in Paragraph 1 shall, in case he intends to alter any of the matters in the preceding Paragraph, obtain the authorization of the Minister of Health and Welfare therefor.

4. The Minister of Health and Welfare shall, in case he has granted the authorization in Paragraph 1, issue the export authorization and certificate of the export authorization 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 authorization in Paragraph 3, renew the export authorization and certificate of the export authorization and issue them to the applicant concerned.

6. A narcotic exporter shall, in case he exports narcotic drugs, send the certificate of the export authorization accompanying the narcotic drugs.

(Return of Export Authorization and Certificate of Export Authorization)

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

(Manufacture)

Article 20: No person other than a narcotic manufacturer shall manufacture narcotic drugs (excluding the narcotic drugs provided in Paragraph 1 of Article 12, and referred to as such only in this Chapter). Provided, however, that this provision shall not apply where a narcotic research worker manufactures such narcotic drugs for scientific researches.

2. No person other than a narcotic manufacturer, narcotic compounder or manufacturer of exempt narcotic preparations shall manufacture the exempt narcotic preparations. Provided, however, that this provision shall not apply where a narcotic research worker manufactures such preparations for scientific researches.

(Permission for Manufacture)

Article 21: A narcotic manufacturer, narcotic compounder or manufacturer of exempt narcotic preparations shall, in case he intends to manufacture narcotic drugs or exempt narcotic preparations, 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 narcotic drugs or exempt narcotic preparations to be manufactured, and the name and quantity of the narcotic drugs, 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 narcotic drugs are to be put.

(Compounding)

Article 22: No person other than a narcotic manufacturer or narcotic compounder shall compound narcotic drugs. Provided, however, that this provision shall not apply where a narcotic research worker compounds such narcotic drugs for scientific researches.

(Permission for Compounding and Subdividing)

Article 23: A narcotic manufacturer or narcotic compounder shall, in case he intends to compound or subdivide narcotic drugs, obtain the permission of the Minister of Health and Welfare quarterly in respect of the name and quantity of the narcotic drugs to be compounded or subdivided and of the name and quantity of the narcotic drugs 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 narcotic dealer shall transfer narcotic drugs. Provided, however, that this provision shall not apply where the proprietor of a narcotic medical establishment transfers narcotic drugs to be supplied for the administering.

2. The provision of the proviso of the preceding Paragraph shall not apply where narcotic drugs to be supplied for the administering are supplied in contravention of the provisions of Paragraph 1, 3 or 4 of Article 27.

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

4. No narcotic exporter shall transfer narcotic drugs to any person except in the case of exportation.

5. No narcotic manufacturer shall transfer narcotic drugs to any person other than a narcotic exporter, narcotic manufacturer, narcotic compounder, narcotic central wholesale dealer and narcotic local wholesale dealer. Provided, however, that this provision shall not apply where a narcotic manufacturer transfers codeine, dihydrocodeine, or their salts to a manufacturer of exempt narcotic preparations.

6. No narcotic compounder shall transfer narcotic drugs to any person other than a narcotic exporter, narcotic compounder, narcotic central wholesale dealer and narcotic local wholesale dealer.

7. No manufacturer of exempt narcotic preparations shall transfer narcotic drugs.

8. No narcotic central wholesale dealer shall transfer narcotic drugs to any person other than a narcotic central wholesale dealer and narcotic local wholesale dealer.

9. No narcotic local wholesale dealer shall transfer narcotic drugs to any person other than a narcotic retail dealer, the proprietor of a narcotic medical establishment and proprietor of a narcotic research establishment in the Metropolis, Hokkaido or Prefecture having jurisdiction over the place of business relating to the license concerned.

10. No narcotic retail dealer shall transfer narcotic drugs to any person other than the person who has a narcotic prescription (excluding a narcotic 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 of Narcotic Drugs by Narcotic Retail Dealer)

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

(Obtainment (by Transfer))

Article 26: No person other than a narcotic dealer, the proprietor of a narcotic medical establishment or proprietor of a narcotic research establishment shall obtain (by transfer) narcotic drugs. Provided, however, that this provision shall not apply to the following cases:

(1) Where the narcotic drugs to be supplied by a narcotic practitioner are obtained (by transfer) from the proprietor of a narcotic medical establishment.

(2) Where a person who has been supplied a narcotic prescription obtains (by transfer) the narcotic drugs dispensed according to the prescription from a narcotic retail dealer.

2. The provision of the proviso of the preceding Paragraph shall not apply where narcotic drugs to be supplied by a narcotic practitioner are supplied in contravention of the provision of Paragraphs 3 or 4 of the following Article, or where narcotic prescriptions have been issued in contravention of such provision.

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

(Administering, Supply for the Administering, and Narcotic Prescription)

Article 27: No person other than a narcotic practitioner shall administer narcotic drugs or supply them for the administering, or issue a narcotic prescription. Provided, however, that this provision shall not apply to the following cases:

(1) Where a narcotic research worker administers narcotic drugs for scientific researches.

(2) Where the person who has been supplied narcotic drugs from a narcotic practitioner applies the narcotic drugs.

(3) Where the person who has obtained (by transfer) narcotic drugs dispensed according to a narcotic prescription from a narcotic retail dealer administers the narcotic drugs.

2. The provision of the proviso of the preceding Paragraph shall not apply where narcotic drugs or narcotic prescriptions supplied or issued by a narcotic practitioner have been done so in contravention of the provision of Paragraphs 3 or 4.

3. No narcotic practitioner shall administer narcotic drugs, supply them for the administering, or issue a narcotic prescription for any purposes other than medical treatment of diseases. Provided, however, that a medical examiner of mental health may administer N-allylnormorphine, its salts and any narcotic drug containing such drugs, and the other narcotic drugs designated by Cabinet Order, 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 narcotic practitioner shall administer narcotic drugs, supply them for the administering, or issue a narcotic prescription for the purpose of relieving symptoms of the addiction and of other treatment of the addiction, of a narcotic or opium addict. Provided, however, that the narcotic practitioner who is engaged in the medical treatment in the hospital designated by Ministry of Health and Welfare Ordinance under the provision of Paragraph 1 or Article 58-8, may administer 4, 4-diphenyl-6-dimethylamino-3-heptanon, its salts and any narcotic drug containing such drugs, and the other narcotic drugs designated by Cabinet Order, to the person who has been hospitalized in the hospital concerned in accordance with the same Article.

5. No one shall undergo the administering of narcotic drugs, as prohibited in accordance with the provision of Paragraph 1, 3 or 4.

6. A narcotic practitioner shall, in case he issues a narcotic prescription, write in the prescription the name and address of the patient (signifying the kind of animal, and the name and address of the owner or caretaker in the case of a sick animal), the name and quantity of narcotic drugs, method of use and dosage, period of use, date of issue of the prescription, name of a narcotic practitioner, number of his license, name of his place of business and its location, and verify them by affixing his seal.

(Possession)

Article 28: No person other than a narcotic handler, the proprietor of a narcotic medical establishment or proprietor of a narcotic research establishment shall possess narcotic drugs. Provided, however, that this provision shall not apply where the person who has been supplied narcotic drugs from a narcotic practitioner for the administering, or who has obtained (by transfer) the narcotic drugs dispensed according to a prescription from a narcotic retail dealer possesses such narcotic drugs.

2. The provision of the proviso of the preceding Paragraph shall not apply where narcotic drugs or narcotic prescriptions supplied or issued by a narcotic practitioner have been done so in contravention of the provision of Paragraph 3 or 4 of the preceding Article.

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

(Destruction)

Article 29: A person who intends to destroy narcotic drugs shall obtain the permission of the Minister of Health and Welfare in respect of the name and quantity of the narcotic drugs and means of the destruction.

Chapter IV. Handling

(Sealing by Certificate Stamp)

Article 30: A narcotic importer, narcotic manufacturer or narcotic compounder shall, in case he transfers narcotic drugs which he has imported, manufactured, compounded or subdivided, seal the container of the narcotic drugs or immediate wrapper of the container with the certificate stamp issued by the Government, under the provisions of Ministry of Health and Welfare Ordinance.

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

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

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

(Descriptions on Container and Wrapper)

Article 31: No narcotic dealer (excluding a narcotic retail dealer) shall transfer any narcotic drugs other than those bearing the mark "●" and stating the following matters on a container and its immediate wrapper. Provided, however, that this provision shall not apply where narcotic drugs 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 percentage of each narcotic ingredient;

(3) Other matters provided in Ministry of Health and Welfare Ordinance.

(Certificate of Obtainment (by Transfer) and Certificate of Transfer)

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

2. A person who has received the certificate of obtainment (by transfer) or certificate of transfer in accordance with the provision of the preceding Paragraph shall keep it for two years from the date of the receipt.

(Taking charge of Narcotic Drugs at Narcotic Medical Establishment and Narcotic Research Establishment)

Article 33: The proprietor of a narcotic medical establishment where not less than two narcotic practitioners are engaged in medical, dental or veterinary treatment shall have one narcotic administrator. Provided, however, that this provision shall not apply where the proprietor himself is a narcotic administrator.

2. A narcotic administrator (signifying a narcotic practitioner in the case of a narcotic medical establishment which has no narcotic administrator, and hereinafter referred to as such only in this Chapter and the following Chapter) or narcotic research worker shall take charge of respectively narcotic drugs to be administered or supplied for the administering, or to be used for himself for scientific researches at the narcotic medical establishment or narcotic research establishment concerned.

3. No narcotic practitioner shall administer or supply for the administering at the narcotic medical establishment concerned any narcotic drugs other than those taken charge of by the narcotic administrator in accordance with the provision of the preceding Paragraph.

(Custody)

Article 34: A narcotic handler shall take custody at his place of business, of the narcotic drugs which he possesses or takes charge of.

2. In the custody provided in the preceding Paragraph, narcotic drugs shall be stored in a solidly constructed locked place separately from drugs (excluding stimulants) other than narcotic drugs.

(Report of Incident)

Article 35: A narcotic handler shall, in case loss, theft disappearance and other incidents have occurred in respect of the narcotic drugs which he has possessed or taken charge of, report as expeditiously as possible the name and quantity of narcotic drugs and other information necessary for making the state of the incidents clear, to the Minister of Health and Welfare in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer, and to the governor of the Metropolis, Hokkaido or Prefecture in the case of narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

2. The governor of the Metropolis, Hokkaido or Prefecture shall, in case he has received the report in the preceding Paragraph, report to that effect to the Minister of Health and Welfare as expeditiously as possible.

(Measures to be taken in the Case of the Invalidation of License)

Article 36: A narcotic dealer, the proprietor of a narcotic medical establishment or proprietor of a narcotic research establishment shall, in case the license of the narcotic dealer has become null and void, or in case a narcotic medical establishment or narcotic research establishment has ceased to be the narcotic medical establishment or narcotic research

establishment (except where a narcotic dealer has obtained the license of a narcotic dealer without intermission after the license of the narcotic dealer became null and void), report, within 15 days, the name and quantity of the narcotic drugs which he possesses actually, to the Minister of Health and Welfare in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer, and to the governor of the Metropolis, Hokkaido or Prefecture in the case of a narcotic local wholesale dealer, narcotic retail dealer, the proprietor of a narcotic medical establishment or proprietor of a narcotic research establishment.

2. Only in case the person who is required to report the matters in accordance with the provision of the preceding Paragraph transfers, within 15 days after the date of arising the reason for the report, the narcotic drugs prescribed in the same Paragraph to a narcotic dealer, the proprietor of a narcotic medical establishment or proprietor of a narcotic research establishment (where such person is a narcotic local wholesale dealer, narcotic retail dealer, the proprietor of a narcotic medical establishment, or proprietor of a narcotic research establishment, only to a narcotic dealer, the proprietor of a narcotic medical establishment or proprietor of a narcotic research establishment in the Metropolis, Hokkaido or Prefecture having jurisdiction over the place of business relating to the license which has become null and void, and where the narcotic drugs in the same Paragraph are the narcotic drugs provided in Paragraph 1 of Article 12, only to the proprietor of a narcotic research establishment), the provisions of Paragraph 1 of Article 12, Paragraph 1 of Article 21 and Paragraph 3 of Article 26 shall not apply to the transfer and obtainment (by transfer), and the provisions of Paragraph 1 of Article 12 and Paragraph 1 of Article 28 shall not apply to their possession of the narcotic drugs prescribed in the preceding Paragraph only within the same period.

3. Any person who has transferred narcotic drugs within the period provided in the preceding Paragraph shall report, within 15 days after the date of the transfer, the name and quantity of the narcotic drug and 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 Metropolis, Hokkaido or 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, of a narcotic handler, the proprietor of a narcotic medical establishment or proprietor of a narcotic research establishment or of a narcotic handler, the proprietor of a narcotic medical establishment or proprietor of a narcotic research establishment of a juridical person, or to a liquidator, an administrator in bankruptcy or the 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 the narcotic handler, proprietor of a narcotic medical establishment or proprietor of a narcotic research establishment has been dead or the narcotic handler, proprietor of a narcotic medical establishment or proprietor of a narcotic research establishment of a juridical person has been dissolved, and the provision of Paragraph 2 shall apply mutatis mutandis to the transfer and obtainment (by transfer) in case such persons transfer narcotic drugs, and to their possession of narcotic drugs.

5. The governor of the Metropolis, Hokkaido or Prefecture shall, in case he has received the report in Paragraph 3 (including the case where it applies mutatis mutandis in the provision of the preceding Paragraph), report to that effect to the Minister of Health and Welfare as expeditiously as possible.

Chapter V. Record and Report concerning Business

(Book)

Article 37: A narcotic dealer (excluding a narcotic retail dealer) shall keep a book at his place of business and enter the following matters therein:

(1) The name and quantity of narcotic drugs imported, exported, manufactured, compounded, subdivided, transferred, obtained (by transfer), used for manufacture of narcotic drugs or exempt narcotic preparations or for compounding of narcotic drugs, or destroyed, and the date thereof;

(2) The name or its equivalent and address of a party to import or export, or to transfer or obtainment (by transfer);

(3) The name and quantity of narcotic drugs notified in accordance with the provision of Paragraph 1 of Article 35.

2. A narcotic dealer (excluding a narcotic 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 narcotic manufacturer).

Article 38: A narcotic retail dealer shall keep a book at his place of business and enter the following matters therein:

(1) The name and quantity of narcotic drugs obtained (by transfer) and the date of the obtainment (by transfer);

(2) The name and quantity of narcotic drugs (excluding codeine, dihydrocodeine and ethylmorphine, and their salts) transferred and the date of the transfer;

(3) The name and quantity of narcotic drugs notified in accordance with the provision of Paragraph 1 of Article 35;

(4) The name and quantity of narcotic drugs destroyed and the date of the destruction.

2. A narcotic retail dealer shall preserve the book in the preceding Paragraph for two years from the date of the final entry.

Article 39: A narcotic administrator shall keep a book at his narcotic medical establishment and enter the following matters therein:

(1) The name and quantity of narcotic drugs obtained (by transfer) or destroyed by the proprietor of the narcotic medical establishment and the date of the obtainment (by transfer) or destruction;

(2) The name and quantity of narcotic drugs (excluding codeine, dihydrocodeine and ethylmorphone, and their salts supplied for the administering) transferred by the proprietor of the narcotic medical establishment and the date of the transfer;

(3) The name and quantity of narcotic drugs (excluding codeine, dihydrocodeine and ethylmorphone, and their salts) administered at the narcotic medical establishment and the date of the administering;

(4) The name and quantity of narcotic drugs notified in accordance with the provision of Paragraph 1 of Article 35.

2. A narcotic administrator shall, in case he has closed the use of the book in the preceding Paragraph, deliver it to the proprietor of the narcotic medical establishment as expeditiously as possible.

3. The proprietor of the narcotic medical establishment shall, in case he has received the book in accordance with the provision of the preceding Paragraph, preserve it for two years from the date of the final entry.

Article 40: A narcotic research worker shall keep a book at his narcotic research establishment and enter the following matters therein:

(1) The name and quantity of narcotic drugs which newly come in or out, under his charge, and the date thereof;

(2) The name and quantity of narcotic drugs manufactured, compounded or used for scientific researches, and the date thereof;

(3) The name and quantity of narcotic drugs notified in accordance with the provision of Paragraph 1 of Article 35.

2. A narcotic research worker shall, in case he has closed the use of the book in the preceding Paragraph, deliver it to the proprietor of the narcotic research establishment as expeditiously as possible.

3. The proprietor of the narcotic research establishment shall, in case he has received the book in accordance with the provision of the preceding Paragraph, preserve it two years from the date of the final entry.

(Record of Administering)

Article 41: A narcotic practitioner shall, in case he has administered narcotic drugs or supplied them for the administering enter in the patients' record-book provided in Article 24 of Medical Practitioners Law (Law No. 201 of 1948) 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, chief symptoms, the name and quantity of narcotic drugs administered or supplied for the administering, and the date of the administering or supply.

(Report by Narcotic Importer)

Article 42: A narcotic 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 narcotic drugs, the quantity of narcotic drugs 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 narcotic drugs, 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 narcotic drugs, 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 narcotic drugs, the quantity in each container and the number of the containers, which were possessed at the end of the quarter.

(Report by Narcotic Exporter)

Article 43: A narcotic 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 narcotic drugs, 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 narcotic drugs, 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 narcotic drugs, the quantity in each container and the number of containers, which were obtained (by transfer) during the quarter, and the date of the transfer;

(4) The name and quantity of narcotic drugs, the quantity in each container and the number of containers, which were possessed at the end of the quarter.

(Reports by Narcotic Manufacturer, Narcotic Compounder and Manufacturer of Exempt Narcotic Preparations)

Article 44: A narcotic manufacturer, narcotic compounder, or manufacturer of exempt narcotic preparations 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 narcotic drugs, 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 narcotic drugs used for the manufacture or compounding of narcotic drugs or for the manufacture of exempt narcotic preparations during the quarter;

(3) The name and quantity of narcotic drugs manufactured, compounded or subdivided, or of exempt narcotic preparations manufactured during the quarter, and the quantity in each container and number of containers of narcotic drugs manufactured, compounded or subdivided during the quarter;

(4) The name and quantity of narcotic drugs, the quantity of each container and the number of containers, which were transferred or obtained (by transfer) during the quarter, and the date of the transfer or obtainment (by transfer);

(5) The name and quantity of narcotic drugs, 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 Narcotic Central Wholesale Dealer)

Article 45: A narcotic 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 narcotic drugs, 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 narcotic drugs, the quantity in each container and the number of containers, which were transferred or obtained (by transfer) during the quarter, and the date of the transfer or obtainment (by transfer);

(3) The name and quantity of narcotic drugs, the quantity in each container and the number of containers, which were possessed at the end of the quarter.

(Report by Narcotic Local Wholesale Dealer)

Article 46: A narcotic local wholesale dealer shall quarterly report any of the matters prescribed in the preceding Article to the governor of the Metropolis, Hokkaido or Prefecture within 15 days after the expiration of each quarter.

2. The governor of the Metropolis, Hokkaido or 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 Narcotic Retail Dealer)

Article 47: A narcotic retail dealer shall report the following matters to the governor of the Metropolis, Hokkaido or Prefecture not later than 30 November of each year:

(1) The name and quantity of narcotic drugs possessed on 1 October of the previous year;

(2) The name and quantity of narcotic drugs transferred or obtained (by transfer) from 1 October of the previous year to 30 September of the year in which the report is submitted;

(3) The name and quantity of narcotic drugs possessed on 30 September of the year.

(Report by Narcotic Administrator)

Article 48: A narcotic administrator shall report the following matters to the governor of the Metropolis, Hokkaido or Prefecture not later than 30 November of each year:

(1) The name and quantity of narcotic drugs possessed by the proprietor of the narcotic medical establishment concerned on 1 October of the previous year;

(2) The name and quantity of narcotic drugs obtained (by transfer) by the proprietor of the narcotic medical establishment concerned from 1 October of the previous year to 30 September of the year in which the report is submitted and the name and quantity of narcotic drugs administered or supplied for the administering during the same period at the narcotic medical establishment concerned;

(3) The name and quantity of narcotic drugs possessed by the Proprietor of the narcotic medical establishment concerned on 30 September of the year.

(Report by Narcotic Research Worker)

Article 49: A narcotic research worker shall report the following matters to the governor of the Metropolis, Hokkaido or Prefecture not later than 30 November of each year:

(1) The name and quantity of narcotic drugs under his charge on 1 October of the previous year;

(2) The name and quantity of narcotic drugs which newly came in under his charge from 1 October of the previous year to 30 September of the year in which the report is submitted and the name and quantity of narcotic drugs manufactured, compounded or used for scientific researches during the same period;

(3) The name and quantity of narcotic drugs under his charge on 30 September of the year.

Article 50: Deleted

Chapter VI. Supervision

(Revocation of License, etc.)

Article 51: As to a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, manufacturer of exempt narcotic preparations or narcotic central wholesale dealer, the Minister of Health and Welfare, and as to the narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker, the governor of the Metropolis, Hokkaido or Prefecture may, in case any narcotic handler has violated the provisions of this Law or the disposition made by the Minister of Health and Welfare or the governor of the Metropolis, Hokkaido or Prefecture under the provisions of this Law or in case he comes under any of Items 2 to 5 of Paragraph 3 of Article 3, revoke the license or order the suspension of the business or research work concerning narcotic drugs by fixing the period for the suspension.

2. The governor of the Metropolis, Hokkaido or Prefecture shall, in case he has revoked the license or ordered the suspension of the business or research work in accordance with the provision of the preceding Paragraph, report to that effect to the Minister of Health and Welfare as expeditiously as possible.

(Hearing)

Article 52: The Minister of Health and Welfare or the governor of the Metropolis, Hokkaido or Prefecture shall, in case he intends to revoke the license or to order the suspension of the business research work in accordance with the provision of Paragraph 1 of the preceding Article, hold in advance a public hearing by requesting the narcotic handler in question or his proxy to appear.

2. In the case of the preceding Paragraph, the Minister of Health and Welfare or the governor of the Metropolis, Hokkaido or Prefecture shall notify the narcotic handler in question of the reasons for the disposition to be made, and the date and place of the hearing not less than one week prior to the date of the hearing and shall give out the public notice of the date and place of the hearing.

3. At the hearing the narcotic handler in question or his proxy may make an explanation for his sake or for the sake of the principal and submit evidence.

4. The Minister of Health and Welfare or the governor of the Metropolis, Hokkaido or Prefecture may, in case the narcotic handler in question or his proxy has failed to appear without good reason, make the disposition under the provision of Paragraph 1 of the preceding Article without holding a hearing.

(Collection of Report, etc.)

Article 53: The Minister of Health and Welfare or the governor of the Metropolis, Hokkaido or Prefecture may, in case he considers necessary for narcotic control, collect the necessary reports from narcotic handlers or make narcotic control officers, local narcotic control officials or other competent officials enter the places of business, check up the books and other articles and question the persons concerned, or take away, only in the minimum quantity necessary for the identification, narcotic drugs, exempt narcotic preparations or other substances suspected to be narcotic drugs or exempt narcotic preparations.

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

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

(Narcotic Control Officer and Local Narcotic Control Official)

Article 54: The Ministry of Health and Welfare shall have not more than 170 narcotic control officers and the Metropolis, Hokkaido and Prefecture shall have not more than 135 local narcotic control officials in the aggregate.

2. The respective numbers of local narcotic control officials in the Metropolis, Hokkaido or Prefecture shall be fixed by Cabinet Order.

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

4. A narcotic control officer shall be appointed from among the officials of the Ministry of Health and Welfare by the Minister, and a local narcotic control official shall be appointed from among the officials of the Metropolis, Hokkaido or Prefecture by the governor after consultation with the chief of the district procurators' office in the same level with the district court having jurisdiction over the principal place of duty of the local narcotic control official to be appointed.

5. A narcotic control officer and local narcotic control official shall perform, under the supervision and direction of the Minister of Health and Welfare and of the governor of the Metropolis, Hokkaido or Prefecture respectively, the duties as a judicial police officer under the provisions of Criminal Procedure Code (Law No. 131 of 1948), in respect of the crimes in contravention of this Law, Cannabis Control Law, Opium Law or Stimulants control Law, the crimes provided in Chapter 14 of Part 2 of Criminal Code, or the crimes committed due to the addiction to narcotic drugs, opium or stimulants.

6. The judicial police officer under the provision of the preceding Paragraph and the other judicial police personnel shall co-operate mutually in the performance of their duties.

7. A narcotic control officer and local narcotic 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 narcotic control officer and local narcotic control official.

(Place of Performance of Duties of Narcotic Control Officer)

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

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

(Co-operation between Narcotic Control Officer and Local Narcotic Control Official)

Article 56: The Minister of Health and Welfare may, in case he considers specially necessary for investigation, request the governor of the Metropolis, Hokkaido or Prefecture to make the local narcotic control officials under his jurisdiction co-operate with the narcotic control officers in respect of the specific case. In this case, the local narcotic control officials in question 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 Metropolis, Hokkaido or Prefecture may, in case he considers specially necessary for investigation, apply to the Minister of Health and Welfare for the co-operation, in respect of the specific case, of the narcotic control officers who belong to the district narcotic control office having jurisdiction over the area of the Metropolis, Hokkaido or Prefecture concerned. In this case, the Minister of Health and Welfare shall, if he considers it adequate, make the narcotic control officers in question co-operate.

(Local Narcotic Control Official and Area of the Metropolis, Hokkaido or Prefecture)

Article 57: In case of necessity for investigation in addition to the case provided in the preceding Paragraph, a local narcotic 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 Metropolis, Hokkaido or Prefecture to which he belongs.

(Taking over of Narcotic Drugs by Narcotic Control Officer and Local Narcotic Control Official)

Article 58: Notwithstanding the provisions of this Law, a narcotic control officer and local narcotic control official may, in connection with criminal investigation of narcotic crimes, take over narcotic drugs from any person under the permission of the Minister of Health and Welfare.

Chapter VI-II. Measures for Narcotic Addicts

(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, 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 Metropolis, Hokkaido or 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 it is unknown, and referred to as such hereinafter only in this Chapter) as expeditiously as possible.

2. The governor of the Metropolis, Hokkaido or Prefecture shall, in case he has received the report in the preceding Paragraph, report to that effect to the Minister of Health and Welfare as expeditiously as possible.

(Report by Narcotic Control Officer, etc.)

Article 58-3: A narcotic control officer, a local narcotic control official, a police official 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, communicate 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 Metropolis, Hokkaido or Prefecture having jurisdiction over such person's place of residence as expeditiously as possible.

(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 the judgement of the court (excluding judgement in which the penal servitude, imprisonment or detention has been sentenced without the probation thereof) has been determined with respect to the accused who is a narcotic addict or who is suspected to be a narcotic addict, communicate the name, domicile, age and sex of such person to the governor of the Metropolis, Hokkaido or Prefecture having jurisdiction over such person's place of residence as expeditiously as possible.

(Report by Chief of Correctional Institution)

Article 58-5: The chief of a correctional institution (meaning Prison, Reform and Training School, Juvenile Detention and 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, communicate 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 Metropolis, Hokkaido or 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 it is unknown).

(Medical Examination of Narcotic Addicts, etc.)

Article 58-6: The governor of the Metropolis, Hokkaido or Prefecture may, in case he considers necessary with respect to a narcotic addict or a person who is suspected to be a narcotic addict, make a medical examiner of mental health examine such person.

2. In the case of the preceding Paragraph, the medical examiner of mental health shall, when he has diagnosed, under the methods and the standards provided in Cabinet Order, 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 medical examiner 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 Metropolis, Hokkaido or Prefecture shall, in case he makes a medical examiner of mental health examine a medical examinee in accordance with the provision of Paragraph 1, make a competent official attend the place of such examination.

5. A medical examiner 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 2 and 3 of Article 53 shall apply mutatis mutandis to the entry in the preceding Paragraph.

7. A medical examiner of mental health shall, in case he conducts a medical examination under the provision of Paragraph 1, be careful not to hurt the honour 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 Metropolis, Hokkaido or 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 as expeditiously as possible.

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

(Duties of Medical Examiner of Mental Health, etc.)

Article 58-7: A medical examiner of mental health shall, in addition to the exercise of his duties provided in Paragraph 2 of Article 18 of Mental Health Law (Law No. 123 of 1950), perform his duties provided in the preceding Article under the supervision of the governor of the Metropolis, Hokkaido or Prefecture.

2. Concerning the performance of the duties in the preceding Paragraph, the medical examiner of mental health shall be deemed to be one of the personnel engaged in the official service in accordance with laws and ordinances.

(Measures of Hospitalization)

Article 58-8: The governor of the Metropolis, Hokkaido or Prefecture may, in case he finds, as a result of the medical examination by the medical examiner 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, having regard to the symptoms, the character and conduct, and the circumstances of such examinee, is particularly liable to repeatedly use narcotic drug, cannabis or opium owing to his narcotic addiction hospitalize such examinee to the hospital designated 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 medical examiner 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 Metropolis, Hokkaido or Prefecture.

3. The governor of the Metropolis, Hokkaido or 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 in question, 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 Metropolis, Hokkaido or Prefecture as expeditiously as possible. In this case, the Narcotic Addiction Examination Committee shall, when the Committee considers it adequate to discharge the hospitalized addict in question prior to the expiration of the period determined by the medical examiner 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 Metropolis, Hokkaido or 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 in question and the medical practitioner in charge of the treatment of the hospitalized addict in question in the hospital for treatment of narcotic addict.

6. The governor of the Metropolis, Hokkaido or 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 in question, or decide the period of hospitalization of the hospitalized addict and notify the period to the administrator of hospital for treatment of narcotic addict concerned and the hospitalized addict in question.

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 medical examiner of mental health in accordance with the provision of Paragraph 2 of Article 58-6, discharge the hospitalized addict in question.

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

(Prolongation of Period of Hospitalization)

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 six months in all computing from the day of the beginning of the hospitalization of the hospitalized addict in question, be prolonged within the limit of two 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.

(Limitation of Action)

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

(Custody of Belongings)

Article 58-11: The governor of the Metropolis, Hokkaido or 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 Metropolis, Hokkaido or Prefecture shall, in case he finds it unnecessary to continue the hospitalization of a hospitalized addict any more, discharge the addict as expeditiously as possible. In this case, the governor of the Metropolis, Hokkaido or 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 having regard to the symptoms and other conditions of the addict, report to that effect to the governor of the Metropolis, Hokkaido or Prefecture as expeditiously as possible.

(Narcotic Addiction Examination Committee)

Article 58-13: The Narcotic Addiction Examination Committee shall be established in the Metropolis, Hokkaido and 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. The Narcotic Addiction Examination Committee shall consist of five members.

3. The members shall be appointed by the governor of the Metropolis, Hokkaido or Prefecture from among the persons with knowledge and experience concerning the medical treatment of narcotic addicts or laws.

4. Except what are prescribed in the preceding three Paragraphs, necessary matters concerning the Narcotic Addiction Examination Committee shall be prescribed by Cabinet Order.

(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 Mental Health Council.

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

Article 58-15: The Metropolis, Hokkaido or 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 proprietor of a hospital for treatment of narcotic addict.

(Reports, etc.)

Article 58-16: The Minister of Health and Welfare or the governor of the Metropolis, Hokkaido or 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, seek necessary report from the administrator of the hospital for treatment of narcotic addict, or make 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 Metropolis, Hokkaido or Prefecture may make the governor suspend temporarily or suspend, temporarily, the payment of medical care fee by the Metropolis, Hokkaido or 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.

(Counsellor for Narcotic Addicts)

Article 58-17: The Metropolis, Hokkaido or Prefecture may have counsellors for narcotic addicts.

2. The counsellor in the preceding Paragraph shall give advice and necessary guidance to narcotic addicts or former narcotic addicts, and perform any other incidental duties thereof.

3. The counsellor in Paragraph 1 shall be a part-time service official and be appointed by the governor of the Metropolis, Hokkaido or Prefecture from among those who command social confidence and possess eagerness, knowledge and opinion, which are considered necessary for performing the duties provided in the preceding Paragraph.

(Keeping of Secret)

Article 58-18: Any medical examiner of mental health, personnel of a hospital for treatment of narcotic addicts, member of the Narcotic Addiction Examination Committee or counsellor 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 VII. Miscellaneous Provisions

(Payment of Expenses by the Metropolis, Hokkaido or Prefecture)

Article 59: The following expenses shall be paid by the Metropolis, Hokkaido or Prefecture:

(1) The expenses required for local narcotic 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 local narcotic control officials outside the jurisdictional area of the Metropolis, Hokkaido or Prefecture to which the local narcotic control officials concerned belongs;

(2) The expenses required for medical examination made by a medical examiner 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 counsellor established in accordance with the provisions 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 Cabinet Order, the following expenses paid by the Metropolis, Hokkaido or Prefecture in accordance with the provisions of the preceding Article:

(1) All expenses prescribed in Item 1 of the preceding Article

(2) Eight tenths 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 Cabinet Order and within the limits of its budget, not more than five tenths of the following expenses:

(1) The expenses paid by the Metropolis, Hokkaido or Prefecture in accordance with the provision of Item 5 of Article 59:

(2) The expenses required for the establishment of hospital for treatment of narcotic addicts to be established by the Metropolis, Hokkaido, Prefecture, city, town or village, or juridical person without the purpose of gain.

(Collection of Expenses)

Article 59-4: The governor of the Metropolis, Hokkaido or Prefecture may collect the whole or a part of expenses prescribed in Item 3 of Article 59 from the hospitalized addict, his spouse or 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.

(Disposition of Narcotic Drugs which have reverted to the State)

Article 60: The Minister of Health and Welfare may make a necessary disposition in respect of the narcotic drugs which have reverted to the State in accordance with the provisions of laws and ordinances.

(Legal Exception to Narcotics Drugs to be Used for Identification of Narcotic Crimes)

Article 60-2: Notwithstanding the provisions of this Law, the Minister of Health and Welfare may manufacture or obtain (by transfer) narcotic drugs to be used for identification of narcotic crimes.

2. The Minister of Health and Welfare shall supply the narcotic drugs manufactured or obtained (by transfer) in accordance with the provision of the preceding Paragraph to national or prefectural organs engaged in identification of narcotic crimes.

3. Officials of the organ in the preceding Paragraph may use or possess, for the purpose of identification of narcotic crimes, the narcotic drugs supplied to the organ concerned from the Minister of Health and Welfare in accordance with the provision of the same Paragraph.

4. The chief of the organ which has been supplied with the narcotic drugs 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 narcotic drugs used for identification of narcotic crimes and the date of use and other matters provided in Ministry of Health and Welfare Ordinance.

(Price of Certificate Stamp)

Article 61: A narcotic importer, narcotic manufacturer or narcotic 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.

(The Case of Any Single Person Granted not less than two Licenses)

Article 62: In case any single person has been granted not less than two licenses or a narcotic dealer himself is concurrently the proprietor of a narcotic medical establishment or the proprietor of a narcotic research establishment, he shall be deemed to be a separate narcotic dealer in respect of each qualification in connection with the application of the provisions concerning the transfer and obtainment (by transfer) of narcotic drugs in this Law. This provision shall apply where any single person established not less than two narcotic medical establishments or narcotic research establishments, or the proprietor of a narcotic medical establishment establishes a narcotic research establishment.

(Order for Execution)

Article 63: Except the matters mandated to Cabinet Order by this Law, the procedures for the enforcement of this Law and the other particulars necessary for the execution of this Law shall be regulated by Ministry of Health and Welfare Ordinance.

Chapter VIII. Penal Provisions

Article 64. Any person who, in contravention of the provision of Paragraph 1 of Article 12, has imported, exported or manufactured diacetylmorphine, its salts or narcotic drugs containing any of them shall be liable to the penal servitude for a limited term not less than one year.

2. Any person who has committed any of the violations described in the preceding Paragraph for the purpose of gain shall be liable to penal servitude from three years to life inclusive or both to penal servitude from three years to life inclusive and to a fine not exceeding 5,000,000 Yen according to circumstances.

3. Any attempt to commit any of the violations described in the preceding two Paragraphs shall be liable to punishment.

Article 64-2: Any person who, in contravention of the provision of Paragraph 1 or 4 of Article 12, has compounded, transferred, obtained (by transfer), supplied, administered, possessed or destroyed diacetylmorphone, its salts or narcotic drugs containing any of them, or undergone administering of any of such drugs, shall be liable to penal servitude not exceeding 10 years.

2. Any person who has committed any of the violations described in the preceding Paragraph for the purpose of gain shall be liable to penal servitude for a limited term not less than one year or both to penal servitude for a limited term not less than one year and to a fine not exceeding 3,000,000 Yen according to circumstances.

3. Any attempt to commit any of the violations described in the preceding two Paragraphs shall be liable to punishment.

Article 65: Any person who has violated provisions of Paragraph 2 or 3 of Article 12, Article 13, Article 17, or Article 20 shall be liable to penal servitude from one year to ten years inclusive.

2. Any person who has committed any of the violations described in the preceding Paragraph for the purpose of gain shall be liable to penal servitude for a limited term not less than one year or both to penal servitude for a limited term not less than one year and to a fine not exceeding 3,000,000 Yen according to circumstances.

3. Any attempt to commit any of the violations described in the preceding two Paragraphs shall be liable to punishment.

Article 66: Any person who has violated the provisions of Article 22, Paragraph 1 or Paragraphs 2 to 10 of Article 24, Paragraph 1 or 3 of Article 26 or Paragraph 1 or Paragraphs 3 to 5 of Article 27 or Paragraph 1 or 3 of Article 28 shall be liable to penal servitude not exceeding 7 years.

2. Any person who has committed any of the violations described in the preceding Paragraph for the purpose of gain shall be liable to penal servitude from 1 year to 10 years inclusive or both to penal servitude from one year to ten years inclusive and to a fine not exceeding 1,000,000 Yen according to circumstances.

3. Any attempt to commit any of the violations described in the preceding two Paragraphs shall be liable to punishment.

Article 67: Any person who has committed any preparatory act in connection with any of the violations described in Paragraph 1 or 2 or Article 64 or Paragraph 1 or 2 of Article 65 shall be liable to penal servitude not exceeding 5 years.

Article 68: In the case of the preceding five Articles, the narcotic drugs owned or possessed by the violator shall be confiscated. Provided, however, that the narcotic drugs owned by any person other than the violator may not be confiscated.

Article 68-2: Any person who has intentionally offered money, land, building, ship, aircraft, machine or equipment required for the commission of any of the violations described 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 68-3: Any person who has mediated between transfer and obtainment (by transfer) of narcotic drugs, any of which is prohibited by the provisions of Paragraph 1 of Article 12 or Articles 24 and 26 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, a fine not exceeding 200,000 Yen or to both:

(1) Any person who, in contravention of the provision of Paragraph 1 of Article 14, has imported narcotic drugs without the authorization;

(2) Any person who, in contravention of the provision of Paragraph 1 of Article 18, has exported narcotic drugs without the authorization;

(3) Any person who, in contravention of the provision of Paragraph 1 of Article 21, has manufactured narcotic drugs or exempt narcotic preparations without the permission;

(4) Any person who, in contravention of the provision of Paragraph 1 of Article 23, has compounded or subdivided narcotic drugs without the permission;

(5) Any person who has violated the provision of Article 25;

(6) Any person who has violated the order of suspension of business or research work under the provision of Paragraph 1 of Article 51.

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 50,000 Yen or to both:

(1) Any person who has violated the provision of Paragraph 3 of Article 4;

(2) Any person who has given false descriptions in a narcotic prescription in writing in the prescription necessary matters provided in Paragraph 6 of Article 27;

(3) Any person who has destroyed narcotic drugs without the permission under the provisions of Article 29;

(4) Any person who has violated the provisions of Paragraphs 1 to 3 of Article 30 or Article 31;

(5) Any person who has supplied narcotic drugs without the receipt of the certificate of obtainment (by transfer) under the provision of Paragraph 1 of Article 32;

(6) Any person who has supplied narcotic drugs without the issue of the certificate of transfer under the provision of Paragraph 1 of Article 32;

(7) Any person who has given false description in the certificate of obtainment (by transfer) or the certificate of transfer under the provision of Paragraph 1 of Article 32;

(8) Any person who has violated the provision of Paragraph 2 of Article 32, Article 33 or Article 34;

(9) Any person who has submitted a false report in submitting the report under the provision of Paragraph 1 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);

(10) Any person who, 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, has failed to keep a book or made no entry or false entries in the book;

(11) Any person who, in contravention of the provision of Paragraph 2 of Article 37, Paragraph 2 of Article 38, Paragraph 3 of Article 39 or Paragraph 3 of Article 40, has failed to preserve a book;

(12) Any person who has made false entries in writing the patients' record-book or the record-book of treatment under the provision of Article 41;

(13) Any person who has forgotten or altered a narcotic prescription;

(14) Any person who has violated the provisions of Article 58-18.

Article 71: Any person who has violated the provisions of Paragraph 1 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), 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 or Paragraph 1 of Article 58-2, shall be liable to penal servitude not exceeding 6 months or to a fine not exceeding 30,000 Yen or to both.

Article 72: Any person who comes under any of the following items shall be liable to a fine not exceeding 100,000 Yen:

(1) Any person who, in contravention of the provisions of Articles 42 to 45, Paragraph 1 of Article 46 or Articles 47 to 49, has failed to submit a report or submitted a false report;

(2) Any person who has failed to submit the report or submitted the false report, refused, prevented or evaded the entry into his place of business, inspection or taking away under the provision of Paragraph 1 of Article 53.

Article 73: Any person who has violated the provisions of Paragraph 1 of Article 7 (including the case where it applies mutatis mutandis in Paragraph 2 of the same Article), Paragraph 3 of the same Article, Article 15 or Paragraph 6 of Article 18 shall be liable to a fine not exceeding 30,000 Yen.

Article 73-2: Any person who comes under any of the following items shall be liable to a fine not exceeding 30,000 Yen:

(1) Any person who has refused, prevented or evaded medical examination by medical examiner of mental health under the provision of Paragraph 1 of Article 58-6;

(2) Any person who has been requested to appear in accordance with the provision of Paragraph 3 of Article 58-6 but has failed to do so or who has been requested to remain in accordance with the provision of the same Paragraph, but has failed to do so;

(3) Any person who has refused or prevented the entry under the provision of Paragraph 5 of Article 58-6.

Article 74: In case the representative of a juridical person, or the proxy, employee or any other person engaged in the business, of a juridical person or natural person has committed, in connection with the business of the juridical person or natural person, any of the violations described 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, or Articles 69 to 73, not only the violator shall be liable to punishment, but also the juridical person or natural person concerned shall be liable to the fines provided in the articles prescribed in this Article.

Article 75: Any person who has violated the provisions of Article 8 or Article 10 shall be liable to a fine not exceeding 30,000 Yen.

Article 76: In connection with application of the provisions of this Chapter, a narcotic drug which is unable to be identified as the narcotic drug provided in Paragraph 1 of Article 12, the narcotic drug provided in Paragraph 2 of the same Article or a narcotic drug other than these narcotic drugs shall be deemed to be a narcotic drug other than the narcotic drug provided in Paragraphs 1 or 2 of the same Article.

Annexed List

Narcotic Drugs of Opium-Alkaloid Group

1 Morphine and its salts
2 Diacetylmorphine and the other esters of morphine, and their salts
3 Codeine, Ethylmorphine and other ethers of morphine, and their salts
4 Normorphine [6] and its salts
5 Morphine-N-oxide and the other pentavalent nitrogen morphine, and their derivatives
6 N-allylnormorphine and its esters, and their salts
7 6-methyl-delta-6-dioxymorphine and its salts
8 Dihydromorphine and its esters, and their salts
9 6-methyldihydromorphine and its salts
10 14-hydroxydihydromorphine [hydromorphinol] [7] and its salts
11 Dihydrodeoxymorphine and its esters, and their salts
12 Dihydromorphinone and its esters, and their salts
13 Methyldihydromorphinone and its esters, and their salts
14 Dihydrohydroxymorphinone and its salts
15 6-nicotinylcodeine and its salts
16 Dihydrocodeine and its esters, and their salts
17 Dihydrocodeinone and its esters, and their salts
18 Dihydrohydroxycodeinone and its esters, and their salts
19 Thebaine and its salts
20 Substances which are liable to similar abuse and productive of similar harmful effects as the narcotic drug listed in any of the preceding items and which are consequently designated by Cabinet Order
21 Substances containing any of the narcotic drugs listed in any of the preceding items, except opium, poppy straw and seeds of opium poppy. Provided, however, that substances containing not more than 10-1000ths of codeine, dihydrocodeine or their salts and not containing, except such narcotic drug, the narcotic drug listed in any of the preceding items, any of the items of Narcotic Drugs of Coca-Alkaloid Group and of Synthetic Narcotic Drugs shall be exempted

Narcotic Drugs of Coca-Alkaloid Group

1 Coca Leaf
2 Ecgonine and its salts
3 Cocaine and the other esters of ecgonine, and their salts
4 Substances which are liable to similar abuse and productive of similar harmful effects as the narcotic drugs listed in any of the preceding items and which are consequently designated by Cabinet Order
5 Substances containing any of the narcotic drug listed in any of the preceding items

---

6/ Note by the Secretariat: International non-proprietary names of drugs are underlined.

7/ Note by the Secretariat: The words in square brackets have been inserted by the Secretariat.

Synthetic Narcotic Drugs

1 4-phenylpiperidine-4-carboxylic acid ethyl ester and its salts
2 1-methyl-4-phenylpiperidine-4-carboxylic acid ester and its salts
3 1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carboxylic acid ethyl ester and its salts
4 1-/2-(para-aminophenyl)-ethyl/-4-phenylpiperidine-4-carboxylic acid ethyl ester and its salts
5 1-/2-(2-hydroxyethoxy)-ethyl/-4-phenylpiperidine-4-carboxylic acid ethyl ester and its salts
6 1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester and its salts
7 1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester and its salts
8 1-(3-phenylaminopropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester and its salts
9 1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester and its salts
10 1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester and its salts
11 1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester and its salts
12 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone and its salts
13 Alpha-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine and its salts
14 Beta-1, 3-dimethyl-4-phenyl-4-propionoxypiperidine and its salts
15 Alpha-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine and its salts
16 Beta-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine and its salts
17 3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine and its salts
18 1,2,5,-trimethyl-4-phenylpiperidine and its salts
19 4-cyano-1-methyl-4-phenylpiperidine and its salts
20 4,4-diphenyl-6-dimethylamino-3-hexanone and its salts
21 4,4-diphenyl-5-methyl-6-dimethylamino-3-hexanone and its salts
22 4,4-diphenyl-6-dimethylamino-3-heptanone and its salts
23 4,4-diphenyl-6-piperidino-3-heptanone and its salts
24 4,4-diphenyl-6-morpholino-3-heptanone and its salts
25 4-morpholino-2, 2-diphenyl ethyl butyrate and its salts
26 2,2-diphenyl-3-methyl-4-morpholinobutyrylpyrrolidine and its salts
27 4,4-diphenyl-6-dimethylamino-3-heptanol and its salts
28 Alpha-6-dimethylamino-4,4-diphenyl-3-heptanol and its salts
29 Beta-4,4-diphenyl-6-dimethylamino-3-heptanol and its salts
30 4,4-diphenyl-6-dimethylamino-3-acetoxyheptane and its salts
31 Alpha-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane and its salts
32 Beta-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane and its salts
33 4-cyano-2-dimethylamino-4,4-diphenylbutane and its salts
34 (±)-alpha-3-acetoxy-6-methylamino-4,4-diphenylheptane and its salts
35 2-methyl-3-morpholino-1,1-diphenylpropane carboxylic acid and its salts
36 Dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate and its salts
37 4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane and its salts
38 3-hydroxymorphinan (except dextro-rotatory isomer) and its salts
39 3-hydroxy-N-methylmorphinan (except dextro-rotatory isomer) and its salts

40 3-metoxy-N-methylmorphinan (except dextro-rotatory isomer) and its salts

41 3-hydroxy-N-phenethylmorphinan and its salts

42 3-hydroxy-N-phenacylmorphinan (except dextro-rotatory isomer) and its salts

43 3-dimethylamino-1,1-di(2-thienyl)-1-butene and its salts

44 3-ethylmethylamino-1,1-di-(2-thienyl)-1-butene and its salts

45 3-diethylamino-1,1-di-(2-thienyl)-1-butene and its salts

46 1,3-dimethyl-4-phenyl-4-propionoxyhexamethyleneimine and its salts

47 1,2,3,4,5,6-hexahydro-8-hydroxy-3,6,11-trimethyl-2,6-methano-3-benzazocine and its salts

48 1,2,3,4,5,6-hexahydro-8-hydroxy-6,11-dimethyl-3-phenethyl-2,6-methano-3-benzazocine and its salts

49 2-(para-chlorbenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole and its salts

50 2-(para-ethoxybenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole and its salts

51 N-/2-(1-methylpiperid-2-yl)-ethyl/-propionanilide and its salts

52 N-/2-(methylphenethylamino)-propyl/-propionanilide and its salts

53 Substances which are liable to similar abuse and productive of similar harmful effects as the narcotic drugs listed in any of the preceding items and which are consequently designated by Cabinet Order

54 Substances containing any of the narcotic drugs listed in any of the preceding items

Supplementary Provisions

(Date of Enforcement)

Article 1: This Law shall come into force as from 1 April 1953

E/NL.1979/17

OPIUM LAW

(Law No. 71 of 22 April 1954) 1/
Amendments:
Law No. 108 of 21 June 1963 2/
Law No. 111 of 1 June 1970

CONTENTS

1/ Note by the Secretariat: E/NL.1954/149

2/ Note by the Secretariat: E/NL.1964/73

Chapter I. General Provisions

(Purpose of this Law)

Article 1: The purpose of this Law is that the State will import, export, receive and sell opium, in order to regulate the supply of opium for the medical and scientific purposes, as well as exercise necessary control over the cultivation of opium poppy, transfer, obtainment (by transfer) and possession of opium and poppy straw.

(Exclusive Right of the State)

Article 2: The rights of importing and exporting opium, of sole purchase of opium from the opium poppy cultivators, and A class research cultivators, and of selling opium to narcotic manufacturers and proprietors of narcotic research establishments shall belong exclusively to the State.

(Definitions)

Article 3: The meaning of the terms used in this Law as given under the following items shall be taken as explained under each item:

1. "Opium poppy" means Papaver Somniferum L, Papaver Setigerum DC and other plants of papaveraceous family designated by the Minister of Health and Welfare.
2. "Opium" means the solidified resin of opium poppy and its manufactured substances (excluding those manufactured as medicines).
3. "Poppy straw" means the parts (excluding seeds) of opium poppy from which narcotic drugs can be extracted.
4. "Opium poppy cultivator" means opium poppy planters, A class research cultivators and B class research cultivators.
5. "Opium poppy planter" means persons who cultivate opium poppy with the license given under the provisions in Paragraph 1 of Article 12, for the purpose of surrendering the opium collected by them to the State.
6. "A class research cultivator" means persons who cultivate opium poppy with the license given under the provisions in Paragraph 1 of Article 12, for the scientific purpose which requires collection of opium.
7. "B class research cultivator" means persons who cultivate opium poppy with the license given under the provisions in Paragraph 2 of Article 12, for the scientific purpose which does not require collection of opium.
8. "Narcotic manufacturer" means narcotic manufacturers as prescribed by the Narcotic Control Law (Law No. 14 of 1953). 3/
9. "Narcotic research worker" means narcotic research workers as prescribed by the Narcotic Control Law.
10. "Narcotic research establishment" means narcotic research workers as prescribed by the Narcotic Control Law.

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

Chapter II. Prohibition

(Prohibition of Cultivation)

Article 4: Any person other than opium poppy cultivators shall not cultivate opium poppy.

(Prohibition of Extraction of Opium)

Article 5: Any person other than opium poppy planters or A class research cultivators shall not extract opium.

(Prohibition of Import and Export)

Article 6: No person shall import or export opium. Provided, however, that this provision shall not apply where a person has been entrusted by the State to do so.

II. No person shall import or export poppy straw without license of the Minister of Health and Welfare.

(Prohibition of Transfer and Obtainment (by Transfer))

Article 7: No person shall transfer opium to person other than the State, or obtain (by transfer) opium from persons other than State.

II. Any person other than opium poppy cultivators, narcotic manufacturers or proprietors of narcotic research establishments shall not transfer or obtain (by transfer) poppy straw.

III. A person as prescribed in the preceding Paragraph shall neither transfer nor obtain (by transfer) poppy straw to or from persons other than persons prescribed in the same Paragraph.

(Prohibition of possession)

Article 8: Any person other than opium poppy planters, A class research cultivators, narcotic manufacturers, narcotic research workers or proprietors of narcotic research establishments shall not possess opium.

II. Any opium poppy planter or A class research cultivator shall not possess opium other than the opium collected by himself.

III. Any opium poppy planter or A class research cultivator shall not possess the opium collected by him after the period of delivery fixed by the Minister of Health and Welfare.

IV. Any narcotic manufacturer, narcotic research worker or proprietor of narcotic research establishment shall not possess opium other than the opium purchased from the State.

V. Any person other than opium poppy cultivators, narcotic manufacturers, narcotic research workers or proprietors of narcotic research establishments shall not possess poppy straw.

(Prohibition of Smoking and Eating)

Article 9: No person shall smoke or eat opium or poppy straw.

(Prohibition of Destruction)

Article 10: No person shall destroy opium without permission of the Minister of Health and Welfare.

Chapter III. Cultivation

(Location and Area of Cultivation)

Article 11: The Minister of Health and Welfare shall decide annually the location and area in which opium poppy planters or A class research cultivators may cultivate opium poppy and give a public notice of them.

(License for cultivation)

Article 12: Any person who intends to cultivate opium poppy for the purpose of surrendering the opium collected by him to the State or for the scientific purpose which requires collection of opium shall apply for license to the Minister of Health and Welfare, determining in advance the location and area of the cultivation, drying-place and storing-place for opium.

II. Any person who intends to cultivate opium poppy for the scientific purpose which does not require collection of opium shall apply for license to the Minister of Health and Welfare, determining in advance the location and area of the cultivation.

III. Any person who applies for license in the preceding two paragraphs shall submit a written application to the Minister of Health and Welfare through the Metropolitan, Hokkaido or Prefectural Governor where the applicant intends to cultivate opium poppy.

IV. In case the Metropolitan, Hokkaido or Prefectural Governor has received a written application in the preceding Paragraph he shall forward it to the Minister of Health and Welfare, after conducting necessary investigations and stating his opinion in it.

(Reasons for Disqualification)

Article 13: The license in Paragraph 1 or 2 of the preceding Article shall not be granted to the person who comes under any of the following items:

1. Any minor;
2. Any person adjudged incompetent or quasi incompetent;
3. Any lunatic or addict of narcotic drugs, opium or cannabis.

(Limitation of License)

Article 14: The license in Paragraph 1 or 2 of Article 12 may not be granted to the person who comes under any of the following items:

1. Any person whose license has been cancelled in accordance with the provisions of Article 42 and who has not passed three years after the cancellation;
2. Any person who has committed a violation of this Law, Narcotic Control Law or Cannabis Control Law (Law No. 124 of 1948), or a crime provided in Chapter XIV, Part II of the Criminal Code (Law No. 45 of 1907), and consequently, has been sentenced to a penalty than a fine for the commission and who has not passed three years after the completion or the ceasing of execution of his sentence;
3. Any person who intends to cultivate opium poppy in a place deemed inadequate for cultivation of opium poppy or control;
4. Except the cultivation for scientific purpose, any person who has applied for an area excessively small for cultivation;

5. Any person who is deemed incapable administratively or technically as opium poppy cultivator;

6. Any juridical person or organization among whose officers conducting its business there is a person who comes under any of the Items of the preceding Article or Item 1 or 2 of this Article.

(License card for Cultivation)

Article 15: In case the Minister of Health and Welfare has granted the license in Paragraph 1 or 2 of Article 12, he shall issue a license card for cultivation to the applicant.

II. In the license card there shall be mentioned the following particulars:

1. The name or its equivalent of an opium poppy cultivator;

2. The address of an opium poppy cultivator;

3. The location of cultivation;

4. The area of cultivation;

5. Other particulars prescribed by the Ministry of Health and Welfare Ordinance.

III. In the license card to be issued to an opium poppy planter or A class research cultivator, there shall be mentioned the drying-place and storing-place for opium, besides the particulars mentioned in each Item of the preceding Paragraph.

IV. The license card shall not be transferred or loaned to any other person.

(Term of Validity of License)

Article 16: The term of validity of the license in Paragraph 1 or 2 of Article 12 shall be from the date of its grant to 30 September within the limit of one year.

(Prohibition of Cultivation outside Authorized Place)

Article 17: Any opium poppy cultivator shall not cultivate opium poppy in a place other than the authorized place for cultivation.

II. Any opium poppy planter or A class research cultivator shall neither dry opium in a place other than the authorized drying-place, nor store opium in a place other than the authorized storing-place.

(Change in License)

Article 18: Any opium poppy cultivator may apply for the change in the license in Paragraph 1 or 2 of Article 12 to the Minister of Health and Welfare, concerning the location, area, or drying-place or storing-place. Provided, however, that this provision shall not apply where an opium poppy cultivator intends to change these matters outside the limit of the Metropolis, Hokkaido or Prefecture.

II. The provisions of Paragraphs 3 and 4 of Article 12 shall apply mutatis mutandis to the application in the preceding Paragraph and the provisions of Items 3 to 5 of Article 14 shall apply mutatis mutandis to the change in license as prescribed in the preceding Paragraph.

III. Any opium poppy cultivator who intends to make the application in Paragraph 1 shall attach a license card for cultivation to a written application.

IV. In case the Minister of Health and Welfare has changed a license in accordance with the provision of Paragraph 1, he shall revise the particulars to be changed in the license for cultivation and deliver it to the applicant.

(Prevention of Incident)

Article 19: An opium poppy cultivator or A class research cultivator shall store the opium collected by him in a solidly constructed locked storing-place, till he surrenders the opium to the State. Provided, however, that during the drying of the opium, it may be stored in a safe locked place.

II. Except the provisions prescribed in the preceding Paragraph, the measures to be taken opium poppy cultivators to prevent loss, theft, disappearance or other incidents in respect to opium or poppy straw shall be prescribed by the Ministry of Health and Welfare Ordinance.

(Report of Incident)

Article 20: In the event of loss, theft, disappearance and other incidents in respect to opium or poppy straw, which he possesses, an opium poppy cultivator shall report without delay the quantity and other particulars necessary for making clear the incident, to the Minister of Health and Welfare, through the Metropolitan, Hokkaido or Prefectural Governor.

(Transfer and Destruction of Poppy Straw)

Article 21: In case an opium poppy cultivator has transferred poppy straw to narcotic manufacturers or proprietors of narcotic research establishments or to other opium poppy cultivators, or has obtained (by transfer) it from such persons, he shall report within 15 days to the Minister of Health and Welfare, through the Metropolitan, Hokkaido or Prefectural Governor, the matters prescribed by the Ministry of Health and Welfare Ordinance.

II. In case an opium poppy cultivator intends to destroy poppy straw he shall report to the Metropolitan, Hokkaido or Prefectural Governor in advance the date, place and method of destruction.

III. For destroying poppy straw an opium poppy cultivator shall follow the method reported in accordance with the provisions of the preceding Paragraph. Provided, however, that in case he has been instructed by an opium inspector the method for destruction, he shall follow it.

(Report of Change)

Article 22: In case there has occurred any change in the particulars mentioned in Paragraph 1, 2 or 5 of Article 15, an opium poppy cultivator shall report to that effect within 15 days to the Minister of Health and Welfare, through the Metropolitan, Hokkaido or Prefectural Governor.

II. Any opium cultivator who intends to submit the report in the preceding Paragraph shall attach a document certifying the reason of the report and the license card for cultivation to the report.

III. The provision in Paragraph 4 of Article 18 shall apply mutatis mutandis where the report in Paragraph 1 has been submitted.

(Reissue of License Card)

Article 23: In case the license card for cultivation has been damaged or lost, an opium poppy cultivator shall apply within 15 days for reissue of the license card for cultivation to the Minister of Health and Welfare, through the Metropolitan, Hokkaido or Prefectural Governor.

II. Any opium poppy cultivator who intends to make the application in the preceding Paragraph shall mention the reason in the written application, and in case the license card has been damaged, he shall attach the damaged license card to the application.

III. In case the lost license card has been found after the license card was reissued, an opium poppy cultivator shall return within 15 days the found license card to the Minister of Health and Welfare, within 15 days, through the Metropolitan, Hokkaido or Prefectural Governor.

(Report of Invalidation of License)

Article 24: In the case of death of an opium poppy cultivator or in the case of dissolution of a juridical person who is an opium poppy cultivator its successor or administrator of the estate, or a liquidator an administrator in bankruptcy or the representative of a juridical person who remains in existence after amalgamation or who has been newly established through the amalgamation shall report to that effect to the Minister of Health and Welfare, within 15 days, through the Metropolitan, Hokkaido or Prefectural Governor.

II. For submitting the report in the preceding Paragraph, the license card for cultivation shall be attached to the report.

(Report of Ceasing)

Article 25: In case an opium poppy cultivator has ceased from the cultivation or research of opium poppy, he shall report to that effect without delay, to the Minister of Health and Welfare, through the Metropolitan, Hokkaido or Prefectural Governor.

II. In case the report in the preceding Paragraph has been submitted, the license in Paragraph 1 or 2 of Article 12 shall become null and void.

(Obligation of Opium Poppy Cultivator for Cultivation)

Article 26: An opium poppy cultivator shall not cease from the cultivation of opium poppy or reduce the area of cultivation, without a good reason.

(Return of License Card)

Article 27: In case the license has become null and void an opium poppy cultivator shall return the license card for cultivation, within 15 days, to the Minister of Health and Welfare, through the Metropolitan, Hokkaido or Prefectural Governor.

(Measures to be taken in the Case of Nullified Permission)

Article 28: In case the license has become null and void in accordance with the provision of Paragraph 2 of Article 25 or cancelled in accordance with the provisions of Article 42, an opium poppy cultivator shall report, within 15 days, the quantity of opium and poppy straw which he actually possesses to the Minister of Health and Welfare, through the Metropolitan, Hokkaido or Prefectural Governor.

II. The provision of Paragraph 1 of Article 8 shall not apply, in respect to the opium, to the person mentioned in the preceding Paragraph and who possesses opium within 50 days after the rise of the cause for submitting such report.

III. The provision of Paragraph 2 of Article 7 shall not apply to the person who possesses poppy straw, only when he transfers the poppy straw to opium poppy cultivators, narcotic manufacturers, or proprietors of narcotic research establishments within 50 days after the rise of the cause for submitting such report, or the provision of Paragraph 5 of Article 8 shall not apply to the possession of poppy straw by the person, only within the same period.

IV. The provisions of Article 21 shall apply mutatis mutandis where the person mentioned in the preceding Paragraph transfers or destroys poppy straw in the preceding Paragraph within the said period.

V. In the case of death of opium poppy cultivator or dissolution of a juridical person who is opium poppy cultivator, the provisions in each of the preceding paragraphs shall apply mutatis mutandis to its successor or administrator of the estate, or to a liquidator, an administrator in bankruptcy or the representative of a juridical person who remains in existence after amalgamation or who has been newly established through the amalgamation.

Chapter IV. Receiving and Sale

(Receiving)

Article 29: The State shall receive all the opium which opium poppy cultivators or A class research cultivators have collected.

(Term of Delivery)

Article 30: The Minister of Health and Welfare shall fix annually the term of delivery within which opium poppy cultivators or A class research cultivators shall surrender to the State the opium collected by them and give a public notice of the fixed term.

(Price for Purchase)

Article 31: After consulting with the Minister of Finance, the Minister of Health and Welfare shall fix the price for purchase of opium to be surrendered, taking into consideration the condition of production by opium poppy cultivators, import price of opium and other economic conditions.

II. The Minister of Health and Welfare shall give a public notice of the price for purchase of opium not later than 30 September of every year.

(Purchase-money)

Article 32: The State shall examine the morphine content of the opium which has been surrendered by opium poppy cultivators or A class research cultivators and pay purchase-money according to its morphine content.

II. The amount of purchase-money shall conform to the price for purchase of which the Minister of Health and Welfare gave a public notice in the preceding year, in accordance with the provision of Paragraph 2 of the preceding Article.

III. The measures for examination mentioned in Paragraph 1 shall be fixed by the Ministry of Health and Welfare Ordinance.

IV. In case opium has been received, the State may pay a part of the purchase money, as prescribed by Cabinet Order before the confirmation of the examination in Paragraph 1.

(Compensation for Disaster)

Article 33: After the germination and before collecting opium, when opium poppy which opium poppy cultivators have cultivated has suffered from wind, flood, rain, earthquake, hail, cold weather, snow, freezing weather, drought, disease and other disaster and the amount of purchase-money for opium collected in that year does not come up to seven-tenths of the amount to be received in the normal year, calculated in accordance with the provisions of Cabinet Order the State may grant a compensation within the limits of the amounts corresponding to one half of the difference between seven-tenths of the amount to be received in the normal year and the amount to be received in that year.

(Sale)

Article 34: The State shall sell opium on its hand to narcotic manufacturers or proprietors of narcotic research establishments.

(Sale-price)

Article 35: The sale-price of opium shall be fixed by Cabinet Order.

II. In fixing the sale-price, the expenses for importing, receiving, storing opium and conducting business concerning opium and the cost required for the compensation for disaster as prescribed in Article 33 shall be taken into consideration.

Chapter V. Administration

(Custody)

Article 36: A narcotic manufacturer or narcotic research worker shall store opium which he possesses or administrates in a solidly constructed locked storing-place.

II. A narcotic manufacturer or narcotic research worker shall store poppy straw which he possesses or administrates in a solidly constructed locked storing-place.

(Report of Incident)

Article 37: The provisions of Article 20 shall apply mutatis mutandis in the event of incidents in respect to opium or poppy straw which narcotic manufacturers or narcotic research workers possess or administrate.

(Destruction of Poppy Straw)

Article 38: The provisions of Paragraphs 2 and 3 of Article 21 shall apply mutatis mutandis where narcotic manufacturers or proprietors of narcotic research establishments destroy poppy straw.

(Book)

Article 39: A narcotic manufacturer shall enter the following matters in the book as prescribed by Paragraph 1 of Article 37 of Narcotic Control Law:

1. The quantity of opium obtained (by transfer) used for manufacturing narcotic drugs or destroyed and the date thereof;
2. The quantity of poppy straw imported, exported, transferred, obtained (by transfer), used for manufacturing narcotic drugs or destroyed, and the date thereof;

3. The name or its equivalent and address of the other party in import, export, transfer or obtainment (by transfer) of poppy straw;

4. The quantity of opium or poppy straw reported in accordance with the provisions of Article 20 which shall apply mutatis mutandis to Article 37.

II. A narcotic research worker shall enter the following matters in the book as prescribed in Paragraph 1 of Article 40 of Narcotic Law:

1. The quantity of opium or poppy straw which has newly come under, or removed from the administration, and the date thereof;

2. The quantity of opium or poppy straw used for the research, and the date thereof;

3. The quantity of opium or poppy straw reported in accordance with the provisions of Article 20 which shall apply mutatis mutandis to Article 37.

(Report)

Article 40: A narcotic manufacturer shall report the following matters to the Minister of Health and Welfare quarterly within 15 days after the expiration of each quarter, from January to March, from April to June, from July to September and from October to December:

1. When he possessed opium or poppy straw at the beginning of the quarter, the quantity of opium or poppy straw which he possessed;

2. When he used opium for manufacturing narcotic drugs during the quarter, the quantity of opium which he used;

3. When he transferred, obtained (by transfer) or destroyed poppy straw or used it for manufacturing narcotic drugs during the quarter, the quantity of poppy straw which he transferred, obtained (by transfer) or destroyed or used, and the name or its equivalent and address of the other party in its transfer or obtainment (by transfer);

4. When he possessed opium or poppy straw at the end of the quarter, the quantity of opium or poppy straw which he possessed.

II. A narcotic research worker shall report the following matters to the Metropolitan, Hokkaido or Prefectural Governor not later than 30 November each year:

1. When he had opium or poppy straw under his administration or 1 October in the preceding year, the quantity of opium or poppy straw which was under his administration;

2. When there was opium or poppy straw newly placed under his administration between 1 October in the preceding year and 30 September in the year of submitting the report, or when he used opium or poppy straw for the research during the said period, the quantity of opium or poppy straw newly placed under his administration or used;

3. When he had opium or poppy straw under his administration on 30 September, the quantity of opium or poppy straw which was under his administration.

(Measures to be taken in the Case of Nullified License)

Article 41: In case license of a narcotic manufacturer has become null and void or a narcotic research establishment has ceased to be such establishment (except where the narcotic manufacturer has continued his business, after his license became null and void) the narcotic

manufacturer or the proprietor of narcotic research establishment shall report, within 15 days, the quantity of opium or poppy straw then in his possession to the Minister of Health and Welfare in the case of a narcotic manufacturer, and to the Metropolitan, Hokkaido or Prefectural Governor in the case of a proprietor of narcotic research establishment.

II. The provision of Paragraph 1 of Article 8 shall not apply, in respect to the opium, to the person mentioned in the preceding Paragraph who possesses opium, within 50 days after the rise of the cause for submitting such report.

III. The provision of Paragraph 2 of Article 7 shall not apply to the transfer by the person mentioned in Paragraph 1 and who possess poppy straw, only when he transfers the poppy straw to opium poppy cultivators, narcotic manufacturers or proprietors of narcotic research establishments, within 50 days after the rise of Paragraph 5 of Article 8 shall not apply to the possession of poppy straw by the person only within the said period.

IV. The provisions of Article 21 shall apply mutatis mutandis where the person mentioned in the preceding Paragraph transfers or destroys poppy straw within the said period.

V. In the case of death of opium poppy cultivator or dissolution of a juridical person who is opium poppy cultivator, the provisions in each of the preceding Paragraphs shall apply mutatis mutandis its successor, or administrator of the estate or to a liquidator, administrator in bankruptcy or the representative of a juridical person who remains in existence, after amalgamation or who has been newly established through the amalgamation.

Chapter VI. Supervision

(Cancellation of License)

Article 42: The Minister of Health and Welfare shall cancel the license, in case an opium poppy cultivator has come under Item 2 or 3 of Article 13.

II. The Minister of Health and Welfare may cancel the license, in case an opium poppy cultivator has violated the provision of this Law or order or disposition made in accordance with the provisions of this Law or he has come under Item 2 or 6 of Article 14.

(Hearing)

Article 43: In case the Minister of Health and Welfare intends to cancel the license in accordance with the provisions of the preceding Article, he shall hold a public hearing by summoning in advance the opium poppy cultivator concerned or his proxy.

II. In the case of the preceding Paragraph, the Minister of Health and Welfare shall notify the opium poppy cultivator concerned not less than one week prior to the date of hearing of the reasons for the disposition to be made, the date and place of the hearing, and he shall make public notice of the date and place of the hearing.

III. At the hearing, the opium poppy cultivator concerned or his proxy may make an explanation for his sake or for the sake of the principal and submit evidence.

IV. The Minister of Health and Welfare may make disposition under the provisions of the preceding Article without holding a hearing, in case the opium poppy cultivator concerned or his proxy has failed to appear without good reason.

(Requisition of Reports)

Article 44: In case the Minister of Health and Welfare finds it necessary to exercise control over opium or poppy straw, he may require necessary reports from opium poppy cultivators, narcotic manufacturers or narcotic research workers or make persons previously designated from among the narcotic control officers or pharmaceutical inspectors enter the place of the poppy cultivation, the place for drying or storing of opium, storing-place of poppy straw or the narcotic factory or research establishment to examine books and other items and to question the persons concerned or to take away, in the minimum quantity necessary for identification, opium, poppy straw or any other substances suspected to be opium or poppy straw.

2. In case the Metropolitan, Hokkaido or Prefectural Governor finds it necessary to exercise control over opium or poppy straw, he may require necessary reports from opium poppy cultivators or narcotic research workers or make the persons previously designated from among the local narcotic officials or pharmaceutical inspectors enter the place of the poppy cultivation, the place for drying or storing of opium, storing-place of poppy straw or the narcotic research establishment to examine books and other items and to question the persons concerned or to take away in the minimum quantity necessary for identification, opium, poppy straw, or any other substances suspected to be opium or poppy straw.

3. The persons designated under the provisions of the preceding two Paragraphs shall be called opium inspector.

4. An opium inspector shall carry identification card showing his status and present it on demand of the persons concerned.

5. The powers prescribed in Paragraph 1 or 2 shall not be interpreted as having been authorized for criminal investigation.

6. In case the Metropolitan, Hokkaido or Prefectural Governor finds it necessary to make disposition in Article 42, he shall report to that effect to the Minister of Health and Welfare.

(Taking over of Opium, etc., by Narcotic Control Officer and Local Narcotic Control Official)

Article 45: Notwithstanding the provisions of this Law, in connection with criminal investigation concerning opium or poppy straw, a narcotic control officer and local narcotic control official may take over opium or poppy straw from any persons under the permission of the Minister of Health and Welfare.

Chapter VII. Miscellaneous Provisions

(Fees)

Article 46: The person mentioned under each of the following items shall pay the following fee fixed below to the State:

1. Any person who applies for the license for cultivation of opium poppy ¥1000 per written application;

2. Any person who applies for the change in the license for cultivation of opium poppy ¥500 per written application;

3. Any person who applies for reissue of the license card for cultivation ¥300 per license card.

(Subsidy)

Article 47: In accordance with the provisions of Cabinet Order, the State shall grant the Metropolis, Hokkaido or Prefectures the expenses in respect to the business conducted by the Governor thereof under the provisions of this Law.

(Disposition of Opium, etc., which have reverted to the State)

Article 48: In respect of opium or poppy straw which has reverted to the State in accordance with the provisions of Laws and Ordinances (except opium received in accordance with the provision of this Law), the Minister of Health and Welfare may make a necessary disposition.

(The Case of Any Single Person Granted not less than two Licenses)

Article 49: In case any opium poppy cultivator is narcotic manufacturer or proprietor of narcotic research establishment at the same time or narcotic manufacturer is proprietor of narcotic research establishment at the same time, he shall be deemed to be a separate person in respect of each qualification, in connection with the application of the provisions concerning the transfer and obtainment (by transfer) of opium or poppy straw in this Law. This provision shall apply where any single person is granted not less than two licenses of narcotic manufacturer or establishes not less than two narcotic research establishments.

(Enforcement Order)

Article 50: Except the matters mandated to Cabinet Order by this Law the procedures for the enforcement of this Law and the other particulars necessary for the execution of this Law shall be regulated by the Ministry of Health and Welfare Ordinance.

Chapter VIII. Penal Provisions

Article 51: Any person who has violated the provisions of Articles 4 to 6 shall be liable to penal servitude from one year to ten years inclusive.

2. Any person who has violated the provisions of the preceding Article for the purpose of making profit shall be liable to penal servitude for a limited term not less than one year or both to penal servitude for a limited term not less than one year and to a fine not exceeding ¥3,000,000, according to circumstances.

3. Any attempted crime under the preceding two Paragraphs shall be liable to punishment.

Article 52: Any person who has violated the provisions of Article 7, Paragraphs 1, 2, 4 or 5 of Article 8, or Article 9 shall be liable to penal servitude not exceeding seven years.

2. Any person who has violated the provisions of the preceding Article for the purpose of making profit shall be liable to penal servitude from one year to ten years inclusive or both to penal servitude from one year to ten years inclusive and to a fine not exceeding ¥1,000,000, according to circumstances.

3. Any attempted crime under the preceding two Paragraphs shall be liable to punishment.

Article 53: Any person who has committed any preparatory act in connection with any of the violations described in Paragraph 1 or 2 of Article 51 shall be liable to penal servitude not exceeding five years.

Article 54: In the case of offences under the preceding three Articles, opium or poppy owned or possessed by the offender shall be confiscated. Provided, however, that when opium or poppy straw is under the ownership of any person other than the offender, it may not be confiscated.

Article 54-2: Any person who has intentionally offered money, land, building, ship, aircraft, machine or equipment required for the commission of any of the violations described in Paragraph 1 or 2 of Article 51 shall be liable to penal servitude not exceeding five years.

Article 54-3: Any person who has mediated between transfer and obtainment by transfer of opium poppy straw, any of which is prohibited by the provisions of Article 7 shall be liable to penal servitude not exceeding three years.

Article 55: Any person who has violated the provisions of Paragraph 3 of Article 8 or Article 17 shall be liable to penal servitude not exceeding 3 years or to a fine not exceeding ¥200,000, or to both.

Article 56: In case one's act coming under the provisions of Article 51, Article 52 or the preceding Paragraph constitutes an offence against the provisions in Chapter XIV, Part II of the Criminal Code, the offender shall be punished with the heavier penalty.

Article 57: Any person who commits the offence under any of the following items shall be liable to penal servitude not exceeding 1 year or to a fine not exceeding ¥50,000, or to both:

1. A person who has destroyed opium without obtaining the permission under the provision of Article 10;
2. A person who has violated the provision of Paragraph 4 of Article 15, Paragraph 1 of Article 19 or Paragraph 1 of Article 36;
3. A person who has submitted a false report, in submitting report, in submitting report mentioned in Article 20 (including the case where the provision of this Article shall apply mutatis mutandis to Article 37), Paragraph 1 of Article 28 (including the case where the provision of this Paragraph shall apply mutatis mutandis to Paragraph 5 of the same Article) or Paragraph 1 of Article 41 (including the case where the provision of this Paragraph shall apply mutatis mutandis to Paragraph 5 of the same Article);
4. A person who, in violation of the provision of Paragraph 1 or 2 of Article 39, has failed to make entry or made a false entry in the book.

Article 58: Any person who has violated the provisions of Article 20 (including the case where the provisions of this Article shall apply mutatis mutandis to Article 37), Paragraph 1 of Article 28 (including the case where the provision of this Paragraph shall apply mutatis mutandis to Paragraph 5 of the same Article), Paragraph 2 of Article 36 or Paragraph 1 of Article 41 (including the case where the provision of this Paragraph shall apply mutatis mutandis to Paragraph 5 of the same Article) shall be liable to penal servitude not exceeding 6 months or to a fine not exceeding ¥30,000, or to both.

Article 59: Any person who commits the offence under any of the following items shall be liable to a fine not exceeding ¥100,000:

1. A person who in violation of the provision of Paragraph 1 of Article 21 (including the case where the provision of this Paragraph shall apply mutatis mutandis to Paragraph 4 of Article 28 or Paragraph 4 of Article 41), or Paragraph 1 or 2 of Article 40 has failed to submit a report or submitted a false report;

2. A person who has failed to submit a report under the provision of Paragraph 1 or 2 of Article 44 or submitted a false report or who has refused, obstructed or excepted against the entry, inspection or the taking away.

Article 60: Any person who has violated the provision of Paragraph 1 of Article 24 or Paragraph 1 of Article 25 shall be liable to a fine not exceeding ¥30,000.

Article 61: In case the representative of a juridical person, or the proxy, employee or any other person engaged in the business, of a juridical person or natural person has committed offence, in connection with business of the juridical person or natural person, against the provision of Paragraph 2 or 3 of Article 51, Paragraph 2 or 3 of Article 52, Article 55 or Article 57 to 60, not only the offender shall be punished but the juridical person or natural person concerned shall be liable to the fines provided in the Articles applicable to such offence.

Article 62: Any person who has violated the provision of Paragraph 1 or 3 of Article 23 or Article 27 shall be liable to a non-penal fine not exceeding ¥30,000.

Supplementary Provisions

(Date of Enforcement)

This Law shall come into force as from 1 May 1954.