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LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

ECUADOR

Communicated by the Government of Ecuador

NOTE BY THE SECRETARY-GENERAL -- In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative texts.

Official Register
Organ of the Government of Ecuador

Administration of Dr. Camilo Ponce Enriquez,
Constitutional President of the Republic.

2nd Year - Quito, Tuesday, 21 January 1958 - No. 417

LEGISLATIVE FUNCTION

ACT RELATING TO TRAFFIC IN RAW MATERIALS FOR NARCOTICS, NARCOTIC DRUGS AND PREPARATIONS

THE CONGRESS OF THE REPUBLIC OF ECUADOR

Whereas:

The Acts in force concerning the trade in opium and other narcotic drugs, their preparations and derivatives, of 8 October 1916 and 4 November 1924, do not adequately meet present-day needs;

And whereas it is necessary to combat the illicit use of narcotics, the spread of which is increasing, fatally undermining the vitality of the Nation;

And whereas it has been discovered that the poppy plant and Indian hemp [Cannabis] 1/ (the variety commonly known as marihuana) are being cultivated, in certain parts of the country, for purposes of illicit trade;

And whereas Ecuador has signed various Conventions on the traffic in raw materials for narcotics, narcotic drugs and preparations and must bring its legislation into conformity with what has been prescribed in the above Conventions;

To safeguard public health,

Hereby Decrees

the following Act relating to the traffic in raw materials for narcotics, narcotic drugs and preparations.

Article 1. The Central Boards of Public Welfare shall alone have the right to import opium in all its forms including its alkaloids, salts and chemical derivatives; cocaine, Indian hemp [cannabis], their preparations and derivatives and synthetic products considered to be habit-forming narcotics in accordance with existing international regulations.

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

Article 2. The importation of narcotic products, whether as raw materials or in the form of preparations shall take place only through the Port of Guayaquil and the customs, post and air offices of Quito, Cuenca and Loja.

Article 3. The following products are classified as narcotics: morphine and its salts, including the preparations obtained from raw or medicinal opium containing more than 20 per cent morphine; those mentioned in article 1 and any other product which by reason of its chemical composition and pharmacological effects has a narcotic action.

Article 4. Manufacture also covers refining.

By conversion is meant the change in a drug brought about by a chemical process, with the exception of the change of alkaloids into their salts.

When a drug has been converted into another drug this operation shall be regarded as conversion in respect of the first drug and as manufacture in respect of the second. The term reserve stocks in the case of any drug whatsoever denotes the stocks required for the country's normal internal consumption, for conversion within the country, and for export.

The term State stocks in the case of any drug whatsoever denotes the stocks kept under State control for the use of the State and to cope with exceptional circumstances.

In the absence of any provision to the contrary the term export shall be deemed to include re-export.

Article 5. Private persons, corporations and institutions are forbidden to import the narcotic products referred to in this Act.

Article 6. The sowing, cultivation and processing of derivatives of the poppy (papaver somniferum L), coca and Indian hemp (marihuana) [cannabis] in all their varieties, as well as of any plants considered by the international control bodies as liable to produce addiction and to be used for purposes of illegal traffic are likewise forbidden except when they are sown or cultivated for scientific purposes, with the permission of the competent authority.

Article 7. Infringements of articles 5 and 6 shall be punished by the health authorities with a fine varying from 1,000 to 50,000 sucres and imprisonment for a term of 4 to 8 years.

Article 8. Products which are contraband or illegally imported shall be confiscated by the health authorities and handed over to the appropriate Central Board of Public Welfare; and if the latter cannot make use of them the plants shall be destroyed and the stocks of the product shall be burned in the presence of the officials of the Central Board of Public Welfare for the area and the Provincial Office of Health, and any furniture, tools, household goods and other objects of value in the place which was used to store the contraband or illegally imported products shall be sold by public auction and the proceeds shall be paid into the funds of the Public Welfare Services of the province in which the offence occurred.

Article 9. Both the importation of medicaments containing small amounts of codeine or dionin [Ethylmorphine], and that of other narcotic products, in the quantities allowed by the existing international conventions, shall be subject to special permits from the Technical Inspector of Health of the district, once their formulae have been made known to the Provincial Office; but the customs, post or air offices shall not allow the goods to be removed until the importers have paid into the local Public Welfare Fund 10 per cent of the invoice price. To this end, the customs authorities or heads of post or air offices shall, in accordance with their financial or legal responsibility, immediately notify the Public Welfare Office for the area of the arrival of this class of goods.

Article 10. Infringements of the provisions of the foregoing article shall be punished by the Head of the Provincial Health Office with a fine of 100 - 500 sucres; the goods shall be confiscated and the import licence shall be suspended.

Article 11. For the grant of a licence to import the products referred to in article 1, the Ministry of Public Welfare shall require applications from the appropriate Central Board of

Public Welfare to be accompanied by a favourable and reasoned report from the Board member representing the Faculty of Medical Sciences of the appropriate university. With regard to the Loja Board, the provisions of article 6 of the present Public Welfare Act shall be observed.

Article 12. The Central Boards of Public Welfare shall distribute the products referred to in article 1 to the pharmacies and hospitals of the country, after studying the register of consumption, sales and stocks which the above-mentioned establishments are required to keep, or an authentic copy of such register, provided they have complied with all the requirements laid down by the Act, the relevant regulations and the resolutions of the Board.

Article 13. The Central Boards of Public Welfare shall have the right to purchase and otherwise receive the products mentioned in article 1 of this Act.

Article 14. The Central Boards of Public Welfare shall supply opium, morphine and the other products referred to in this Act to hospitals and pharmacies which can provide adequate guarantees and which comply with the provisions of the Act.

Article 15. Similarly the above-mentioned Boards may supply the national laboratories which comply with the provisions of this Act with the raw materials and narcotics required for the preparation of pharmaceutical products, which shall be sold by the said laboratories solely to the Central Boards of Public Welfare.

Article 16. The national laboratories which prepare narcotics may export their products provided they comply with the provisions of this Act and the relevant Regulations and with the resolutions of the Central Board of Public Welfare.

Article 17. The Central Boards of Public Welfare shall appoint their respective narcotics commissions which shall consist of: the member representing the Faculty of Medical Sciences who shall preside, a Public Welfare Medical officer experienced in the handling of narcotics, a qualified pharmacist practising his profession, a Public Health Medical officer and the Secretary of the Central Board.

Article 18. Every three months, and more frequently when it is deemed expedient, each Central Board of Public Welfare shall arrange for its Narcotics Commission to inspect the books and documents relating to the drugs in its warehouse, which must show how the products mentioned in article 1 of this Act have been distributed and also stocks of narcotics. After the Board has studied the Commission's report it will be forwarded to the Minister for Public Welfare who will distribute it to the General Directorate and Technical Inspectorate for the area.

Article 19. The pharmacist in charge and the owner or manager of the pharmacy shall be responsible for the safe custody of the narcotics or preparations made from them, and also of the books, prescriptions and other documents required under this Act for control purposes. They shall at all times be available to the health authorities who will carry out the prescribed periodic inspection and other inspections whenever they think fit.

Article 20. Infringements of the provisions of the foregoing article or failure to produce the books or vouchers when the health authorities so require, shall be considered a serious offence and as such punished with a fine of 1,000 to 2,000 sucres.

If a deficiency is discovered in the stocks of narcotics as a result of their improper use, this shall be considered as a case of illicit traffic and shall be punished in accordance with this Act.

If on the other hand the deficiency or excess is small enough to be ascribable to mistakes which often occur in weighing or measuring, the discrepancy may be overlooked, provided that it is not equivalent to more than 10 centigrams of morphine.

Article 21. The Central Boards of Public Welfare shall add a 50 per cent surcharge to the value of the product, determined according to the purchase price plus cost of storage, transport etc.

If, because its stock of a certain product is exhausted, a Central Board is obliged to obtain it from the warehouse of another Central Board, the former may not add a further surcharge and shall sell the product at the price it paid for it.

Article 22. Sale to the public of the narcotics mentioned in article 1 may be made only in pharmacies and against the prescription of a doctor or dentist. This prescription, besides being signed and dated, must also specify how the medicament is to be administered. The doses shall be noted down in letters and the whole prescription shall be handwritten in ink. Prescribed doses of the basic medicaments referred to in this Act may not be for more than 24 hours - in each case in conformity with the official pharmacopoeia in force in Ecuador.

In special cases the Department of Public Welfare may, after submission of a request signed by the doctor or surgeon treating the patient, authorize the issue of larger quantities for the treatment of incurable diseases.

All prescriptions containing the narcotics referred to in this Act in doses above the maxima for 24 hours shall also give the full name and address of the patient for whom the medicament is intended.

The prescriptions referred to in this article shall be kept separate from other prescriptions and shall also bear special serial numbers.

Article 23. Infringements of the provisions of the foregoing article shall be punished by the health authorities with a fine of 1,000 to 5,000 sucres; this penalty shall also be imposed on the pharmacist in charge of the pharmacy which has broken the law and on the owner or manager if the order to dispense the prescription was given by him.

A doctor or dentist who prescribes doses of narcotics larger than the therapeutic dose shall enter in the prescription, before his signature, the reason for this. Without this explanation no pharmacist may dispense the prescription.

The malicious prescription of the narcotics referred to in this Act and the issue of prescriptions in order to evade control shall be punished by the health authorities in accordance with article 32.

Article 24. The return of prescriptions containing the substances mentioned in article 1 is forbidden.

Article 25. Prescriptions containing substances referred to in this Act may not be renewed by any pharmacy or dispensed more than five days after the date on which they were issued.

Article 26. Infringements of the two preceding articles shall be punished by the competent health authorities with a fine of 1,000 to 5,000 sucres.

Article 27. In special cases in which it is established by documentary evidence that a doctor or dentist is aiding and abetting drug addiction the competent health authorities may forbid apothecaries and pharmacists to sell the narcotic products referred to in this Act against the prescriptions of such doctor or dentist.

Article 28. Save in the exceptional cases expressly determined, the issue free of charge of the substances mentioned in this Act is absolutely prohibited. Infringements of this provision shall be punished with a fine of 1,000 to 5,000 sucres to be imposed by the health authorities; if the offence is repeated the supply of narcotics to the establishment that made the illegal issue shall be suspended.

Article 29. By improper use of the substances mentioned in this Act is meant anything which does not serve the purpose of therapy or scientific investigation and which is not in conformity with article 22.

Article 30. Denunciation of the improper or immoderate use of such substances shall be compulsory. To that end action may be taken by the public.

Article 31. Persons making improper personal use of the substances referred to in this Act must be put under medical supervision for such period as the authority before whom the case was brought shall determine. The Public Welfare officials shall supervise the disintoxication treatment of drug addicts; and the duly authorized doctors shall send a description of the treatment to be followed in each particular case.

Article 32. Doctors who, in the treatment of drug addicts, fail to comply with the provisions laid down in the preceding article shall be punished by the health authorities with a fine of 500 to 1,000 sucres.

Article 33. Foreigners who infringe the provisions of article 31 or who carry on a clandestine trade in the products referred to in article 1 shall be regarded as undesirable aliens and expelled from the country by the competent authorities, without prejudice to the provisions of article 7.

Article 34. Any person found to be engaged in the illegal traffic in the products referred to in this Act shall be punished in accordance with article 7.

If confiscation is due to a private denunciation the informer shall be entitled to 50 per cent of the fine imposed. If the offender is a doctor, dentist or pharmacist the health authorities shall, subject to the authorization of the Minister of Health, forbid him to practise his profession for three years.

Article 35. Persons who have been punished as morphine addicts or, in general, as being addicted to the narcotics referred to in this Act, may not hold any public office until the doctor treating the case submits a favourable report.

The health authorities shall communicate this information to whom it may concern so that the provisions of this article may be carried out.

Article 36. Apothecaries and pharmacists shall be required to keep a copy of the Official Register in which this Act is published.

Article 37. Public officials and employees who in any manner whatsoever evade or infringe this Act shall be deprived of their functions after the Public Welfare and Health authorities have been notified, without prejudice to any penalties to which they may be liable.

Article 38. The police authorities shall be required to pursue, arrest and interrogate persons known or suspected to be trafficking in the narcotics and preparations referred to in this Act, and to place them at the disposal of the appropriate health authorities for trial.

Customs houses and post offices shall keep a close watch to see that the products referred to in this Act do not enter or leave the country by illicit means; they shall confiscate them when necessary and place them at the disposal of the Central Board of Public Welfare and the Health Office for the area.

Failure to carry out this duty shall be punished by the competent authority in accordance with article 37.

The police authorities shall collaborate with those of other countries in the pursuit and arrest of traffickers in narcotics.

Article 39. The health authorities shall be required to communicate to each other all breaches of this Act so that a close watch may be kept throughout the country on traffickers and drug addicts.

Article 40. Denunciation by the public of the production, and preparation of and traffic in narcotics is hereby authorized. Informers shall be entitled to 50 per cent of any fines collected.

Article 41. The owner of the premises or establishment in which an opium, hashish [cannabis] or coca smoking-den is run or which serves as a meeting place for drug addicts, shall be punished by the health authorities in accordance with article 7; moreover, if he is a foreigner he shall be considered an undesirable alien and expelled from the country.

If the discovery of such premises is due to private denunciation the informer shall be entitled to 50 per cent of the fine imposed.

The authorities intervening in such cases shall preserve due discretion.

Article 42. Authority to try persons infringing this Act shall be vested solely in the health authorities of the locality in which the offence was committed. The police authorities shall see that the penalties imposed are carried out. Fines shall be collected by the health authorities.

Article 43. Persons infringing this Act shall be tried according to the procedure established by the Code of Penal Procedure for the trial of offences of the Fourth Class.

The Heads of the Provincial Health Services shall act as judges of first instance for the trial of offences against this Act. An appeal against their decision may be made to the Technical Inspector of the area.

Offences shall be tried and punished by the competent Health Commissioner who shall also collect fines - both those which he has himself imposed and those imposed by other health authorities.

Article 44. In all cases where offences against this Act are repeated the competent authorities shall impose the appropriate penalties together with the increase for repetition of the offence prescribed in the Penal Code.

Article 45. The Provincial Boards of Public Welfare and the competent Sub-Directors, as well as Health Officers, shall, within the area under their jurisdiction, exercise due vigilance over the implementation of this Act, the relevant Regulations, and the stipulations and instructions of their Central Board and of the health authorities.

Article 46. The Executive shall enact Regulations giving effect to this Act not more than 30 days after its promulgation. The competent Ministry shall first convene the Directors of Public Welfare of the country and the health authorities in order to receive their suggestions.

Article 47. All laws, decrees and other provisions conflicting with this Act, or modifying it in any manner, are hereby rescinded.

Given in the Session Hall of the National Congress at Quito, 24 October 1957.

(Signed) E.P. ILLINGWORTH
Vice-President of the Republic, President of the National Congress

(Signed) Dr. FRANCISCO ACOSTA YEPEZ
Secretary of the National Congress

(Signed) Dr. OTTO AROSEMENA GOMEZ
President of the Chamber of Deputies

(Signed) Dr. RAFAEL SUAREZ VEINTIMILLA
Secretary of the Chamber of Deputies

National Palace, Quito, 4 January 1958

TO BE EXECUTED

(Signed) CAMILO PONCE ENRIQUEZ
Constitutional President of the Republic

(Signed) Dr. GONZALO CORDERO CRESPO
Minister for Social Security

Certified copy
(Signed) Dr. MANUEL ORELLANA AYORA
Under-Secretary for Social Security

E/NL.1958/54

Official Register
Organ of the Government of Ecuador

Administration of Dr. Camilo Ponce Enriquez,
Constitutional President of the Republic.

2nd Year - Quito, Monday, 14 April 1958 - No. 487

EXECUTIVE FUNCTION

No. 366

REGULATIONS GIVING EFFECT TO THE ACT RELATING TO TRAFFIC IN RAW MATERIALS FOR NARCOTICS, NARCOTIC DRUGS AND PREPARATIONS 2/

CAMILO PONCE ENRIQUEZ

Constitutional President of the Republic

By virtue of the authority conferred on him by article 46 of the Act relating to the traffic in raw materials for narcotics, narcotic drugs and preparations; and due regard having been paid to the suggestions formulated by the Directors of Public Welfare of Ecuador and the Health Authorities assembled in the capital of the Republic from 5 to 8 of the present month,

Hereby Decrees

the following Regulations giving effect to the above-mentioned law:

Article 1. The Central Boards of Public Welfare shall import opium in all its forms, its alkaloids, salts and chemical derivatives; cocaine, Indian hemp [cannabis] 1/, their preparations and derivatives, and synthetic products at present considered to be narcotics, in accordance with the needs of their respective areas, endeavouring to maintain sufficient reserve stocks in their warehouses to meet a possible increase in consumption and any emergency that may arise.

Article 2. The customs, post and air offices of Guayaquil, Quito, Cuenca and Loja shall take proper precautions to avoid losses in this class of goods and shall immediately notify their arrival to the Central Board of Public Welfare for the area.

Article 3. Manufacture cannot take place except through the Central Boards of Public Welfare for the area and with the previous authorization of the competent Ministry.

The terms used in article 4 of the Act shall be applied to the returns of the International Office of Narcotics Statistics, in conformity with the existing conventions and treaties. Each Central Board shall be required to send in quarterly and annual returns, as well as annual estimates of raw materials and drugs, in accordance with the existing treaties of which this country is a signatory. Each Central Board shall likewise send the competent Ministry an annual report on the application of the narcotics treaties in its area, and such other reports on the subject as may be requested.

Article 4. When consignments of drugs not mentioned in the Act or in these Regulations are sent to a customs or post office for clearance, the customs or postal employee, whose duty it is to examine the goods, shall take great care to see that there are no narcotics of the type referred to in the Act and in these Regulations among the drugs or products that have arrived. If necessary he shall consult the appropriate Public Welfare Office. In suspicious cases, samples shall be sent to the Public Welfare Office for analysis and report. The goods shall not be cleared until the matter has been duly clarified.

2/ Note by the Secretariat: E/NL.1958/53.

Article 5. The Central Boards of Public Welfare are hereby designated as the competent authority for granting the permission referred to in article 6 of the Act.

Article 6. The health authorities responsible for punishing infringements of articles 5 and 6 of the Act shall apply to the appropriate Public Welfare Office for background information about each case and shall notify that Office of all cases that have been tried in order that effect may be given to the existing international conventions.

Article 7. As soon as articles of contraband, whatever their origin, have been confiscated they shall be handed over to the appropriate Central Board through its Director. If it is found that such articles can be used, they shall be placed, after the necessary formalities have been complied with, in the warehouse of the Board; otherwise they shall be destroyed in the presence of the Director of Public Welfare or his delegate, an official report to that effect being drawn up. In other respects, the relevant provisions of the Act shall be applied.

Article 8. When the Technical Inspector of Health grants a special permit as provided for in article 9 of the Act, he shall duly notify the appropriate Public Welfare Office. The customs, post or air office shall require importers of the products mentioned in article 9 of the Act to pay 10 per cent of the invoice price as shown in the customs statement, otherwise they shall not allow the goods to be removed, under penalty of being legally and financially liable for that amount. Payment shall be made by the importers into the Fund of the appropriate Central Board of Public Welfare; they shall bring the customs statement with them.

The importer shall deposit the products referred to in article 9 of the Act with the Central Board of Public Welfare for distribution.

Article 9. In pursuance of article 10 of the Act, articles 6 and 7 of these Regulations shall also be observed with regard to confiscation, and the fines referred to in article 10 of the Act shall be paid into the Fund of the appropriate Central Board.

Article 10. Pharmacists or persons duly authorized by the Act, who are in charge of pharmacies possessing the narcotics referred to in the Act, shall keep two books to facilitate the supervision required by the Act: a day book of sales and consumption and a register of consumption, sales and stock of such products, in accordance with a model approved by the Ministry of Public Welfare. These books shall be inspected by the Narcotics Commission of the Central Board or its Director whenever it is deemed necessary.

Article 11. The register referred to in the preceding article shall be kept in the following manner: each one of the various drugs shall have a special section with two columns. In the left-hand column will be entered the incomings, i.e. the stock on the day of the first inventory; successive purchases with a reference, as a voucher, to the relevant invoice; medicinal preparations containing opium or cocaine, each item preceded by a precise indication of the date and followed by the quantity of grams or fractions of grams in figures and words. In the right-hand column will be entered the outgoings or sales, in each case accompanied by the date, the name of the purchaser or patient, the name of the doctor who prescribed the drug, the number of the prescription or voucher as required by these Regulations, the quantity of grams in figures and words and finally the quantities used in officinal preparations.

Article 12. The books shall be numbered and signed by the Director of Public Welfare, and purchases, sales and outgoings in the form of officinal preparations, which shall also be checked, shall be entered daily in the day book. In the event of omissions, mistakes, corrections, either in the day book or in the various vouchers, or of a shortage in the stock of narcotics as compared with the balance sheet, which cannot be accounted for in the prescriptions, etc., the fines and penalties established by the Act shall be imposed.

Article 13. In the event of an accident (breakage of a bottle, for example), causing the total or partial loss of a preparation covered by the Act, this shall be reported as soon as possible in an accurate and trustworthy manner and once the accident has been proved the quantity lost can be written off and the necessary entry made in the respective books. If accidents are repeated often enough to give grounds for the suspicion that they are deliberate, as a means of evading the law, the pharmacist in charge of the pharmacy may, at the discretion of

the Directors of the Boards of Public Welfare, become liable to the penalty laid down in article 20 of the Act to which these Regulations refer. The Director of Public Welfare shall apply to the competent health authority for the purposes of the above-mentioned article 20 of the Act, even if the offence occurred in the warehouses of the Boards of Public Welfare.

Article 14. The Central Boards shall be required to maintain a special section for the control of the narcotics referred to in the Act and in these Regulations. They must keep special books in which each pharmacy and narcotic will have its separate account. The Control Section itself shall keep a special account in which it shall record the incomings of narcotics acquired by the Central Board for its warehouses and intended for distribution to the pharmacies and hospitals in its area, to show that the provisions of the Act and of these Regulations have been complied with. When this has been done the accounts shall be stamped either "Audited and Passed" or "Rejected". The official carrying out the audit shall put his signature at the bottom of each account and shall enter the date on which the audit took place.

Article 15. Failure to comply with the laws or regulations pertaining to audits shall be punished in the manner laid down by law. When a Central Board of Public Welfare decides to suspend the supply of narcotics to a pharmacy for serious reasons it shall notify the Health Authority, which shall close the pharmacy either temporarily or permanently, according to the seriousness of the offence.

Article 16. When the functions of the pharmacist in charge of a pharmacy stocking the narcotics referred to in the Act come to an end, the handing over of the narcotics, books and documents which have been in his charge, whether to the new pharmacist or to the owner of the establishment, shall be carried out in the presence of a delegate of the Director of Public Welfare. This delegate should be experienced in the handling of narcotics. An official report shall be drawn up, stating that everything is in order or mentioning any differences. The pharmacist who hands over and the person who takes over shall sign this report, together with the Public Welfare delegate present.

When the stocks of narcotics are being checked, the prescriptions dispensed up to that date shall be taken out so that the quantities of narcotics in stock can be compared with those recorded by the Public Welfare inspector.

Article 17. In the event of major or minor discrepancies, these shall be brought to the notice of the appropriate Central Board so that it can investigate the matter. As soon as the prescriptions have been checked they shall be returned to the pharmacist so that he can prepare his monthly return, or the return for that part of the month during which he has been in service up to the date of the handing over.

Article 18. Pharmacists in charge of pharmacies shall be responsible for sending in a signed monthly return to the Central Board of Public Assistance, in conformity with a model approved by the Ministry. The number of the prescription, the name of the doctor and the quantity of each substance dispensed shall be specified. These returns shall be sent off within the first ten days of each month, together with the original prescriptions which shall be returned to the pharmacy as soon as they have been checked and stamped.

Article 19. The numbering of prescriptions containing opium, opium alkaloids, cocaine and its derivatives and other narcotics shall be different from that of other prescriptions dispensed in the pharmacy. The prescriptions shall be numbered at the time they are dispensed.

Article 20. The products referred to in article 14 of the Act shall be supplied by the Central Boards, at the request of the pharmacist in charge of the pharmacy, as soon as the legal formalities have been complied with, when its stocks of such products are nearly or completely exhausted. By "guarantees" are meant proper handling, maintenance and care of the narcotics and, also, that the pharmacies possess the necessary instruments for the accurate dosification of the narcotics. The pharmacist in charge must check the authenticity of the signature of the doctor or dentist who has made out the prescription, comparing it with the register of signatures which each pharmacy must possess.

Article 21. The Central Boards may supply the national laboratories at their request with the raw materials and narcotics they require for the preparation of their products which they have patented, as soon as the respective formula has been approved by the Central Board as being necessary for normal therapeutics. The handing over of the raw material or narcotic used shall be carried out in the presence of the Narcotics Commission of the Public Welfare Board or of a delegate of the Board, who shall bring the drug from the warehouse of the Central Board to the laboratory where the preparation is to be made up. These preparations shall be sold to the Central Boards of Public Welfare which shall be the sole bodies authorized to sell them in accordance with article 15 of the Act.

Article 22. The export of narcotic substances by national laboratories can only take place within the framework of the Act and existing international conventions, when the Central Board of Public Welfare, in its capacity as a technical body, decides by an absolute majority to permit the preparation of the narcotic substances and their export. This favourable decision shall be submitted to the Ministry of Public Welfare for its final decision as soon as the international control bodies have accepted Ecuador as an exporter of narcotics or simply of raw materials.

Article 23. The Central Board shall, in accordance with current needs, fix the place and number of meetings of its Narcotics Commission to be held during the month, as well as the amount of the Commission's fees.

Article 24. The Narcotics Commission shall report to the Central Board on the inspections it has carried out, whether of the Board's warehouses or of pharmacies and hospitals, bringing to the Board's notice any matters requiring attention, and the Directors of Public Welfare shall supply the necessary information through the Secretariat of the Board or of the Narcotics Control Commission.

Article 25. Compliance with article 19 of the Act shall in no wise conflict with the inspections which the Narcotics Commission of the Central Board must carry out, whenever it deems necessary, in order to discharge its duties satisfactorily or simply in order to compare the stocks of narcotics with the amounts as checked by the Public Welfare Board.

Article 26. An exception may be made to article 20 of the Act when the prescriptions are already in the possession of the Narcotics Control Commission of the Public Welfare Board, after the expiry of the legal time limit. But in no circumstances may narcotics, books or prescriptions be removed from pharmacies or hospitals without the authorization of the Central Board of Public Welfare.

Any deficiencies or excesses of stocks of the narcotics referred to in the second and third paragraphs of article 20 of the Act shall be immediately reported to the Public Welfare Board so that it can make the necessary technical report before any penalties are imposed. As soon as the offender has been punished the necessary measures shall be taken, the excesses being added to stocks or confiscated or removed as the case may be. When the excess is small it shall be added to stocks but when it is considerable, it shall be confiscated and handed over to the Public Welfare Board.

Article 27. Save in exceptional cases, the Central Boards shall be required to keep in their warehouses the quantity of narcotics necessary for normal consumption plus the equivalent of 50 per cent of the previous year's consumption, as a reserve. Where possible they shall see that the narcotics are supplied in the original receptacles.

Article 28. The prescriptions referred to in the first paragraph of article 22 of the Act shall bear the name and home address of the doctor or dentist who signed them. His name shall be written in full and in clear letters below his signature. Prescriptions signed by dentists shall be strictly confined to their speciality.

When signing these prescriptions the doctor or dentist shall use the signature registered in the Ministry of Health, which should also be the same as the one in the Book which must be kept for this purpose by the Narcotics Section of the Public Welfare Board.

In the special cases referred to in the second paragraph of article 22 of the Act, the Director of Public Welfare may authorize the dispatch of the said quantities from the warehouses of the Institution to the doctor who signed the request, on his legal responsibility, in a quantity not exceeding that required for one week's treatment.

The prescriptions referred to in article 22 shall not be dispensed without the previous approval of the Director of Public Welfare, or of the Sub-Director in provinces which have no director; but if either of them is not a doctor, he shall consult the member representing the Faculty of Medical Sciences of the appropriate university, or one of the Public Welfare Medical Officers in his area. The prescriptions shall be kept in the establishment for the rest of the month at the end of which they shall, however, be sent, together with the monthly report, to the Public Welfare Office within the legal time limit.

Article 29. The dispensing of the prescriptions mentioned in the fourth paragraph of article 22 of the Act shall be governed by the provisions of the fourth paragraph of article 28 of these Regulations.

The Central Board of Public Welfare shall, with the help of documentary evidence, establish the fact that a doctor or dentist has committed the offences specified in the third paragraph of article 23 of the Act and request the competent authorities to impose the necessary penalties.

Article 30. In no circumstances shall prescriptions containing the narcotics referred to in the Act and in these Regulations be returned, infringements of this provision being punished as specified hereafter. A copy may, however, be supplied by the pharmacist in charge, at the request in writing of the doctor or dentist who issued the original prescription. This copy shall have no legal value whatever.

Article 31. The renewal of prescriptions containing the narcotics referred to in the Act and in these Regulations is forbidden; the dispensing of such prescriptions if more than five days have elapsed since the date on which they were issued is likewise forbidden.

Article 32. The penalties referred to in article 26 of the Act shall be imposed on the basis of a report by the Public Welfare Office.

Article 33. The Central Boards of Public Welfare shall, by means of their control bodies, keep a close watch on prescriptions issued within their area in order to prevent possible drug addiction. Where necessary the Board shall make such notifications as it thinks fit and request that pharmacies be forbidden to make up prescriptions of the doctor or dentist who has broken the law, without prejudice to such other penalties as the health authority may impose on him according to the seriousness of the offence.

Article 34. The free issue of narcotics can only be made by the free welfare services and for medical use under the proper supervision of the doctor treating the case. The doses shall be subject to all the provisions of the Act and of these Regulations.

Where there has been an infringement of the above-mentioned provisions, the health authorities shall request the Director of Public Welfare to suspend the supply of narcotics, attaching the relevant documentary evidence. When the offence has been verified by the Public Welfare authorities, the Director shall order such supply to be suspended, in the light of the evidence.

When the offence has been verified by the Public Welfare authorities the Director shall notify the appropriate health authorities of the suspension, explaining the reason for it and requesting the imposition of the other penalties referred to in article 28 of the Act in conformity with article 15 of these Regulations.

Article 35. Cases in which the sale of narcotics has been requested for scientific investigations shall be duly studied and decided by the competent Central Board of Public Welfare, which shall be empowered to grant or refuse the request.

Article 36. By "improper use" is meant anything that has not been provided for under the Act and these Regulations or, if so provided, is considered improper. Any such case shall be

reported by the authority that has knowledge of it to the Public Welfare Board and to the Ministry of Health; and should the case have come to the knowledge of the authorities of either of these bodies, the one that discovered the case shall notify the other. Where action has been taken by the public, the identity of the informer shall be sought, but absolute discretion shall be maintained.

Article 37. The treatment of drug addicts may only be carried out under the supervision of the Central Board of Public Welfare, which shall study the case in session and decide what should be done.

Article 38. Foreigners trafficking narcotics, who are proved guilty, may not take advantage of their status as aliens to evade the appropriate legal penalty, and their property shall likewise be subject to the provisions of article 8 of the Act. The Public Welfare Board shall keep a register of traffickers, with their past record.

Article 39. When a pharmacy makes a narcotic or a prescription available to another pharmacy with the object of deceiving the supervisory authority, this shall be considered as illegal traffic. The pharmacist in charge or the owner shall be liable to the penalties laid down by the relevant Act.

In cases where the stocks of the Central Board of Public Welfare for the area are temporarily exhausted, a pharmacy may supply another pharmacy with a specified quantity of raw material or narcotics only with the written permission of the Director of Public Welfare.

If a pharmacy in one area wishes to obtain narcotics from the Central Board of Public Welfare of another area, the Director of Public Welfare for the area in which the pharmacy making the request is situated, or the Sub-Director, as the case may be, shall authorize the request with his signature and stamp; the request can then receive favourable attention. The Director of Public Welfare who authorized the sale shall, however, notify the Sub-Director or Director for the other area for purposes of narcotics control. Failure to comply with this duty shall render the offending authority liable for any consequences which may ensue.

Article 40. Foreign firms with head offices in this country, applying to the appropriate Central Board of Public Welfare for permission to import samples of narcotic products of their own exclusive patent, must deposit such samples in the narcotics warehouses of the aforesaid Central Board, whence they shall remove them in small quantities at a time for distribution, after applying to the Director of Public Welfare and receiving his written permission; the receipts of the doctors to whom the samples have been supplied must be produced. Articles entering Ecuador without the previous permission of the Public Welfare authorities, however small the quantity of narcotics they contain, shall be confiscated and their importers shall be punished in accordance with the Act at the request of the Public Welfare authority that is in possession of the facts of the case. Medical samples prepared by Ecuadorian laboratories handling products containing narcotics may only be distributed under the supervision of the competent Director of Public Welfare who shall fix the monthly quota for each province under his jurisdiction.

All samples shall bear an indelible notice to the effect that they are heroic products the sale of which is forbidden and punishable by law. Samples of foreign products containing narcotics which are imported for an area within the jurisdiction of one Central Board of Public Welfare shall not be distributed in the area of another Central Board without the permission of the appropriate Central Board. The same procedure shall be observed with regard to samples of domestic products.

Article 41. The favourable report referred to in article 35 of the Act may only be submitted by the doctor treating the case after authorization by the Central Board of Public Welfare.

Article 42. The national or municipal authority, responsible for the appointment and dismissal of the official or employee who has evaded or infringed the provisions of the Act or of these Regulations in any way whatsoever, shall deprive him of his office and, in so far as lies in its power, facilitate the penal proceedings to which he has become liable.

Article 43. The police authorities shall, in general, be required to report all cases of trafficking in the narcotic drugs and preparations referred to in article 38 of the Act which come to their knowledge. Any arrest of traffickers shall be reported within 48 hours to the competent Director of Public Welfare and the narcotics handed over to that authority, who shall order them to be deposited in the narcotics warehouse for the purposes laid down by law; and they may be treated as corpus delicti if the authority trying the case considers it necessary.

Article 44. The health authorities shall be required to notify the public welfare authorities for the area of all cases referred to in article 39 of the Act.

Article 45. In the cases referred to in article 40 of the Act the provisions of article 36 of these Regulations shall apply.

Article 46. In trying the cases specified in articles 40 and 41 of the Act close attention shall be paid to any former penalties imposed and to repetitions of this type of offence, in accordance with the register which the Police, health and public welfare authorities all over the country are required to keep. The various authorities shall pass on such particulars to each other, together with any information obtained from abroad about this type of offender.

Article 47. The health authorities shall notify the public welfare authorities of the type of offence and the penalty they have imposed in each case so that a full record can be kept.

Article 48. The Provincial Boards of Public Welfare and their sub-directors shall receive instructions from the competent Central Board and its directors and shall be required, in accordance with their legal responsibility, to report all cases of violation of the Act and of these Regulations occurring in the area under their jurisdiction.

The sub-director of public welfare must, at regular intervals, and whenever he is ordered to do so by the director, check the stocks of narcotics, books and vouchers of the pharmacies within his area. He must see that they have the narcotics and heroic preparations in stock, as well as the necessary equipment for their issue, i.e. precision balance, adequate weights and measures and the latest edition of the French Codex which has been declared to be the Official Pharmacopoeia of Ecuador. He must also see that the record of transactions in narcotics is kept up to date in the official books approved by the Central Board for control purposes. Purchases must be covered by the official permits or vouchers used by the Central Board of Public Assistance for the area and must be entered in the pharmacy's control book.

Persons infringing any of the provisions of these Regulations shall be punished according to the case and the corresponding articles of the Act of 4 January 1958.

Article 49. The Minister of Social Security and Public Welfare shall be entrusted with the execution of this decree.

Given in the National Palace, Quito, 13 March 1958

(Signed) CAMILO PONCE ENRIQUEZ,
Constitutional President of the Republic

(Signed) GONZALO CORDERO CRESPO,
Minister of Social Security and Public Welfare

Certified copy

(Signed) Dr. MANUEL ORELLANA AYORA,
Under-Secretary