



LAWS AND REGULATIONS

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

YUGOSLAVIA

Communicated by the Government of Yugoslavia

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.

Official Gazette of the SFRY, No. 55

E/NL.1978/51

13 October 1978

On the basis of Article 337, Point 1, of the Constitution of the Socialist Federal Republic of Yugoslavia, I am issuing a

DECREE

PROCLAIMING THE LAW ON PRODUCTION AND TRADE OF NARCOTICS

The Law on Production and Trade of Narcotics, adopted by the Assembly of the SFRY at the session of the Federal Chamber of October 3, 1978, is hereby proclaimed.

PR No. 735

October 3, 1978

Belgrade

Josip Broz Tito

President

Dragoslav Markovic

President of the Assembly of the SFRY

LAW

ON PRODUCTION AND TRADE OF NARCOTICS

I. General provisions

Article 1

For the purpose of protection of human health, and prevention of social problems and prevention of misuses of narcotics, the production and trade in narcotics shall be carried out under conditions laid down by this Law, and shall be subject to control in accordance with provisions of this Law.

Article 2

Products and substances of natural or artificial origin, the use of which may cause a state of dependence which may harm human health or in another way threaten human integrity in the physical, psychic or social sense, shall be considered as narcotics.

Article 3

Psychoactive and psychotropic substances contained in the List of Narcotics shall be considered as narcotics, in accordance with the provision of Article 2 of this Law.

The List of Narcotics referred to in Paragraph 1 of this Article shall be drawn up, in accordance with criteria referred to in Article 2 of this Law, by the Federal Executive Council at the proposal of the federal organ of the administration competent for questions of health.

The List of Narcotics shall be published in the "Official Gazette of the SFRY."

Article 4

Unless otherwise regulated under this Law, the following shall be forbidden:

- (1) growing of coca-plants;
- (2) production of opium by cutting poppy capsules;
- (3) production and imports of tetrahydrocannabinol (of all isomers) and manufacture of preparations with psychoactive effects, of cannabis plant;
- (4) production and imports of the following: heroin; desomorphine; ^{1/} ketobemidone; lisergide; mescaline; parahexyl; psilocine; psilocibine; N, N-dimethyltriptamine (DMT); N, N-diethyltriptamine (DET); 2-amino (2.5-dimetoxy 4-methyl) 1-phenyl propane (STP) and 3-(1.2-dimethyl heptyl)-1-hydroxy-7, 8, 9, 10-tetrahydro-6.6.9-trimethyl-6H-dibenzo[b,a]-pyran (DMHP);
- (5) production and imports of other narcotics specified by the Federal Executive Council at the proposal of the federal organ of the administration competent for questions of health.

Article 5

Production, imports, exports and trade of narcotics may be carried out on the basis of approval of a competent organ.

Article 6

Narcotics may be produced, exported, imported and put on sale exclusively for medical, veterinary, educational and scientific purposes.

Only narcotics specified, under a decision to that effect, by the federal organ of the administration competent for questions of health may be put on sale for medical and veterinary purposes.

No one may possess narcotics without approval on the part of a competent organ.

II. Conditions for production, imports and exports of narcotics

Article 7

Production, imports and exports of narcotics may be carried out by those organizations of associated labor which have permission for that given by a competent organ in a republic or an autonomous province, and which are registered for carrying out that kind of activity.

Article 8

Narcotics may be produced, exported and imported in amounts which shall be specified, according to estimates of annual needs, by the federal organ of the administration competent for questions of health.

Quantities of narcotics referred to in Paragraph 1 of this Article shall be determined on the basis of an estimate of needs for the next year, to be reported by a competent republican or provincial organ by March 31 of the current year at the latest.

Article 9

Poppy intended for the production of narcotics may be grown in areas specified by an organ designated by a regulation of the republic or the autonomous province concerned.

^{1/} Note by the Secretariat: International non-proprietary names of drugs are underlined.

Article 10

Poppy referred to in Article 9 of this Law may be grown by organizations of associated labor, peasant cooperatives or agriculturalists on the basis of a permission issued by an organ designated by a regulation of the republic or the autonomous province concerned, and after concluding beforehand an agreement with an organization of associated labor authorized for purchases of poppy.

Poppy intended for other purposes may be grown without permission, provided that areas sown with poppy are reported to a competent organ within a time-limit of 30 days after the date of sowing.

Article 11

Organizations of associated labor, peasant cooperatives and agriculturalists referred to in Article 11 of this Law must, within a time-limit of four months after the date of poppy-gathering, hand over to organizations of associated labor authorized for purchases of poppies all quantities of those parts of poppies which are used for the production of narcotics.

Organizations of associated labor authorized for purchases of poppies must purchase from organizations, cooperatives or agriculturalists referred to in Article 10 of this Law all produced quantities of those parts of poppies which are used for the production of narcotics, within the time-limit referred to in Paragraph 1 of this Article.

Article 12

Organizations of associated labor dealing with scientific research work may, for scientific purposes, produce opium by cutting poppy capsules, grow coca-plants, and produce preparations from cannabis plant producing psychoactive effects, provided that beforehand they obtain permission for such production on the part of an organ designated by a regulation of the republic or the autonomous province concerned.

Organizations of associated labor referred to in Paragraph 1 of this Article may import narcotics referred to in Article 4, Point 4, of this Law for scientific purposes, provided that they obtain permission for that from the federal organ of the administration competent for questions of health.

Article 13

Imports and exports of narcotics may be carried out on the basis of an import permission and an export permission, respectively, issued by the federal organ of the administration competent for questions of health.

The provision of Paragraph 1 of this Article shall also apply to imports and exports of poppy straw.

Imports or exports of narcotics may be permitted if conditions prescribed on the basis of this Law or on the basis of international agreements ratified by the Socialist Federal Republic of Yugoslavia are fulfilled.

Regulations on conditions and procedure for issuing a permission for imports or exports of narcotics shall be introduced by the federal organ of the administration competent for questions of health.

Regulations referred to in Paragraph 4 of this Article may lay down that imports or exports of specified narcotics may be carried out on the basis of an import or export declaration.

Article 14

Transport of narcotics through the territory of the Socialist Federal Republic of Yugoslavia may be carried out if consignments of narcotics are supplied with an export permission or another document of the country from which the narcotics are exported.

Consignments of narcotics, during transport, may not be subjected to procedures which change or may change the nature of narcotics.

Article 15

Persons travelling abroad or coming to the Socialist Federal Republic of Yugoslavia from abroad or travelling through the territory of the Socialist Federal Republic of Yugoslavia may possess medicaments containing narcotics, which they need for their personal use, if they have a certificate that they have purchased the medicaments in accordance with regulations of the country where the medicaments have been purchased.

Article 16

Transport of narcotics in the form of preparations intended for rendering first aid in means of transportation in international transport, in amounts necessary for that purpose, shall not be considered as imports or transit under the provisions of this Law if the registered means of transportation concerned has a permission for possession of specified types and amounts of narcotics, issued by a competent organ of the country to which it belongs.

Article 17

Customs offices must, on each permission for export or import of narcotics, designate the actual amount of exported or imported narcotics and the date and the place of customs clearance, and submit the used permits, containing these data, to the federal organ of the administration competent for questions of health within a time-limit of eight days after the date of customs clearance.

In case of transit of narcotics, customs offices must ascertain the type and the amount of narcotics in each consignment of narcotics, designate, in the customs declaration, the country from which or to which the narcotics are transported, and inform the federal organ of the administration competent for internal affairs to that effect.

III. Conditions for trade in narcotics

Article 18

Wholesale trade in narcotics may be carried out by organizations of associated labor dealing with the production of narcotics and by organizations of associated labor carrying out wholesale trade in medicaments.

Retail trade in narcotics shall be carried out by pharmacies.

Article 19

Narcotics used for medical and veterinary purposes shall be put on retail trade in accordance with regulations on putting medicaments on sale, and narcotics used for educational and scientific research purposes, on the basis of a permit issued by an organ designated by a regulation of the republic or the autonomous province concerned.

Article 20

Organizations of associated labor dealing with trade in narcotics must fulfil the following special conditions:

(1) to have graduated pharmacists, under whose supervision narcotics shall be stored, kept and issued;

(2) to have appropriate premises and equipment for storing, keeping and issuing narcotics, in accordance with technical and sanitary-technical requirements;

(3) to keep narcotics in special premises in which other products may not be kept, and to keep these premises protected against access of unauthorized persons.

As an exception, pharmacies and organizations of associated labor using narcotics may keep narcotics in premises which are used for other purposes as well, provided that they keep them in special iron cabinets and separately from other products.

Article 21

Premises or cabinets in which narcotics are kept must be provided with a lock and a key, and must be protected against access of unauthorized persons.

Keys of the premises or cabinets in which narcotics are kept may be held exclusively by the worker (official) in charge of taking care of the storing, keeping and issuing of narcotics.

IV. Keeping records and supervision on production and trade in narcotics

Article 22

Organizations of associated labor carrying out purchases of poppies intended for production of narcotics and organizations of associated labor producing narcotics must keep records on quantities of purchased poppies, on processed or produced quantities of narcotics, as well as on sold quantities and stocks of narcotics.

Article 23

Organizations of associated labor carrying out imports, exports or sale (trade) of narcotics must keep records on types and quantities of narcotics which they import or export, on procuring, putting on sale and issuing narcotics to users, as well as on stocks of narcotics.

Article 24

Organizations of associated labor, peasant cooperatives and agriculturalists growing poppies intended for production of narcotics and organizations of associated labor referred to in Articles 22 and 23 of this Law must, within specified time-limits, submit data from records which they must keep on the basis of this Law, to an organ designated by a regulation of the republic or the autonomous province concerned.

Article 25

An organ designated by a regulation of the republic or the autonomous province concerned shall, within specified time-limits, submit data referred to in Article 24 of this Law to the federal organ of the administration competent for questions of health.

Apart from submitting data from records, the organ referred to in Paragraph 1 of this Article shall inform the federal organ of the administration competent for questions of health about which organizations of associated labor have been issued a permission referred to in Article 7 of this Law, and about the number of organizations of labor in the territory of the republic or the autonomous province concerned which carry out wholesale trade in narcotics.

Article 26

Regulations on the contents and procedure for keeping records and submitting reports, and on time-limits for submitting data and information referred to in Articles 22 through 25 of this Law shall be introduced by the federal organ of the administration competent for questions of health.

Article 27

The federal organ of the administration competent for questions of health, in cooperation with the federal organ of the administration competent for foreign affairs, shall provide for the fulfillment of international obligations arising from ratified international agreements on narcotics.

The federal organ of the administration competent for internal affairs shall keep records on all cases of illicit trade in narcotics, and shall carry out direct cooperation with corresponding foreign organizations and international organizations in detecting and suppressing illicit trade in narcotics.

Article 28

The federal organ of the administration competent for questions of health shall prepare and submit to organs of the United Nations competent for narcotics control:

- (1) reports on the implementation of international agreements on narcotics in the territory of the Socialist Federal Republic of Yugoslavia;
- (2) estimates of annual needs in narcotics;
- (3) statistical reports on production, imports, exports, sales (trade), consumption, seizure, and stocks of narcotics.

Article 29

Supervision on the implementation of this Law and regulations introduced on the basis of this Law shall be carried out by competent organs of republics or autonomous provinces.

In carrying out supervision, organs referred to in Paragraph 1 of this Article shall, within the limits of their powers, have the right and duty:

- (1) to prohibit production, imports, exports or sale (trade) of narcotics carried out without permission on the part of a competent organ;
- (2) to forbid an organization of associated labor carrying out trade in narcotics to carry out this trade if it does not fulfil the special conditions referred to in Articles 20 and 21 of this Law;
- (3) to order an organization of associated labor carrying out production, imports, exports, or sale of narcotics to coordinate its activities with conditions prescribed under this Law or under regulations introduced on the basis of this Law;
- (4) to seize narcotics and order other measures necessary for the enforcement of this Law and of regulations introduced on the basis of this Law;
- (5) to submit, in case of a violation of provisions of this Law, a report to a competent organ for instituting proceedings for an economic violation, or to submit a demand for instituting magistrate proceedings.

Article 30

The Federal Executive Council shall form a commission for narcotics composed of representatives of competent republican and provincial organs and representatives of specified federal organs of the administration and federal organizations, with the task of coordinating work on carrying out supervision and on suppressing abuses of narcotics.

V. Punitive provisions

Article 31

An organization of associated labor or another legal person shall be punished by a fine of from 100,000 to 1,000,000 dinars for an economic offense:

(1) if, contrary to provisions of this Law, it grows coca-plants, produces opium by cutting poppy capsules, produces narcotics, produces preparations, or imports narcotics referred to in Article 4 of this Law;

(2) if, without permission on the part of a competent organ, it produces narcotics, or if, without a permit, it imports or exports narcotics (Article 7 and Article 13, Paragraph 1);

(3) if, without permission on the part of a competent organ or without concluding an agreement beforehand, it grows poppies intended for production of narcotics (Article 10, Paragraph 1);

(4) if it does not hand over to organizations of associated labor authorized for carrying out purchases of poppies, within the prescribed time-limit, all produced quantities of those parts of poppies which are used for production of narcotics (Article 11, Paragraph 1);

(5) if, without authorization, it carries out purchases of those parts of poppies which are used for production of narcotics or if it does not purchase all produced quantities from the producer with whom it has concluded an agreement (Article 11, Paragraph 2);

(6) if it carries out trade in narcotics contrary to provisions of Article 18 of this Law.

A responsible person in the organization of associated labor or another legal person concerned shall also be punished by a fine of from 10,000 to 30,000 dinars for an economic offense referred to in Paragraph 1 of this Article.

Article 32

An organization of associated labor or another legal person shall be punished by a fine of from 50,000 to 100,000 dinars for a violation:

(1) if it does not report to a competent organ, within the specified time-limit, areas of land sown with poppies intended for other purposes (Article 10, Paragraph 2);

(2) if it issues narcotics contrary to provisions of Article 19 of this Law;

(3) if it does not provide for safeguarding premises or cabinets in which narcotics are kept as prescribed, or if narcotics are not kept by the worker (official) in charge of storing, keeping and issuing narcotics (Article 21);

(4) if it does not keep prescribed records or if it keeps those records inaccurately and irregularly (Articles 22 and 23);

(5) if it does not submit to a competent organ, within the prescribed time-limit, a report or other prescribed data from records which it must keep on the basis of provisions of this Law, or if it submits an inaccurate report (Articles 24 and 26).

A responsible person in the organization of associated labor or another legal person concerned shall also be punished by a fine of from 5,000 to 20,000 dinars for a violation referred to in Paragraph 1 of this Article.

Article 33

An agriculturalist shall be punished by a fine of from 5,000 to 20,000 dinars or by a term of imprisonment of up to 60 days for a violation:

(1) if, without permission on the part of a competent organ, or without concluding an agreement beforehand, he grows poppies intended for production of narcotics, or if he does not report to a competent organ, within the specified time-limit, areas of land sown with poppies intended for other purposes (Article 10);

(2) if he does not hand over to an organization of associated labor authorized for carrying out purchases, within the specified time-limit, all produced quantities of those parts of poppies which are used for production of narcotics (Article 11, Paragraph 1);

(3) if he does not submit to a competent organ, within the prescribed time-limit, data from relevant records on produced quantities of those parts of poppies which are used for production of narcotics (Articles 24 and 26).

An individual shall be punished by a fine or a term of imprisonment referred to in Paragraph 1 of this Article for a violation:

(1) if he grows coca-plants, produces opium by cutting poppy capsules, produces or prepares narcotics referred to in Article 4 of this Law;

(2) if he possesses narcotics without authorization (Article 6, Paragraph 3, and Article 15).

Article 34

Narcotics which are the cause of an economic offense referred to in Article 31 of this Law or the cause of a violation referred to in Article 33 of this Law, or which have been used or have come into being as a result of the perpetration of those offenses or violations, shall be seized without compensation, irrespective of whether or not the perpetrator of the economic offense or the violation concerned has them in his possession or owns them.

Article 35

If narcotics seized in accordance with Article 34 of this Law can be used as raw materials for manufacture and further processing, the organ which passed the decision on seizure shall hand over seized narcotics, with payment of compensation, to an organization of associated labor possessing permission for production or manufacture of narcotics.

Article 36

If narcotics seized in accordance with Article 34 of this Law cannot be used as raw materials for manufacture and further processing, they shall be destroyed by a commission, in a way which corresponds to the type of narcotics in question and to the condition in which they are found.

The commission referred to in Paragraph 1 of this Article shall be formed by the organ which passes the decision on seizure of narcotics.

Article 37

The organ which passes a decision on seizure of narcotics shall keep records on seized narcotics and on persons from whom narcotics have been seized, and in them shall enter data referring to the handing over and methods of destruction of narcotics.

The organ referred to in Paragraph 1 of this Article must inform the federal organ of the administration competent for internal affairs about seized narcotics and about persons from whom narcotics have been seized.

VI. Transitional and concluding provisions

Article 38

Regulations referred to in Article 13, Paragraph 4, and Article 26 of this Law shall be introduced by the federal organ of the administration competent for questions of health within a time-limit of three months after the date of effectiveness of this Law.

Article 39

The Law on Production and Trade of Narcotics ^{2/} ("Official Gazette of the SFRY," No. 40/73) shall be rescinded on the date of effectiveness of this Law.

Article 40

This Law shall enter into effect on the eighth day after the date of publication in the "Official Gazette of the SFRY."