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LAWS AND REGULATIONS

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

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

CHINA

Communicated by the Government of China

NOTE BY THE SECRETARIAT

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

ORDER BY THE PEOPLE'S GOVERNMENT OF SICHUAN PROVINCE (No. 58)
[OF 21 APRIL 1995, PROMULGATING THE REGULATIONS OF SICHUAN PROVINCE
CONCERNING SPECIAL CHEMICALS USED FOR MANUFACTURING DRUGS]

V.96-86757

**Order by the People's Government of Sichuan Province (No. 58)
[of 21 April 1995, Promulgating the Regulations of Sichuan Province
Concerning Special Chemicals Used for Manufacturing Drugs]**

The annexed Regulations of Sichuan Province Concerning Special Chemicals Used for Manufacturing Drugs, adopted after deliberations at the thirty-fifth day-to-day business session of the Provincial Government, on 8 April 1995, is hereby promulgated and becomes effective as of 1 August 1995.

(Signature) XIAO Yang
Governor

21 April 1995

ANNEX

**THE REGULATIONS OF SICHUAN PROVINCE CONCERNING SPECIAL
CHEMICALS USED FOR MANUFACTURING DRUGS**

Article 1. The present Regulations are enacted in accordance with the Decision of the Standing Committee of the National People's Congress Concerning the Prohibition of Drugs and the Regulatory Rules of Sichuan Province Concerning the Prohibition of Drugs, with a view to strengthening the regulations of special chemicals used in manufacturing drugs, preventing criminals from obtaining special chemicals used for the manufacture of drugs, combating drug-related crimes, maintaining social order and peace, and safeguarding the legitimate production and use of special chemicals.

Article 2. The special chemicals used for manufacturing drugs referred to in the present Regulations include acetic anhydride, ether, chloroform and other chemicals which are often used in manufacturing narcotic drugs and psychotropic substances and are subject to the strict control of relevant State regulations.

Article 3. The present Regulations apply to the production, distribution, use and transportation of special chemicals used for manufacturing drugs, within the administrative region of Sichuan Province.

Article 4. The people's governments at all levels shall make increased efforts to give guidance on, and coordinate the regulations of special chemicals used for manufacturing drugs. The public security organs and the industrial and commercial administrations shall, in collaboration with the administrations in such sectors as the chemical industry, commerce, goods and materials, health and pharmaceuticals, assume responsibility for the regulations and supervision of such special chemicals.

Article 5. The production and distribution of special chemicals used for manufacturing drugs shall be registered and designated. Designated production is subject to approval by the chemical industry administrations, whereas appointed distribution is subject to that of the administrations for the chemical industry, commerce, health and the pharmaceutical industry, within their respective purviews.

The public security organs and the industrial and commercial administrations shall, in accordance with the law, supervise the production and distribution of such special chemicals.

Article 6. Units wishing to produce (hereinbelow taken to include processing and synthesizing) special chemicals used for manufacturing drugs shall submit applications to the administrations of the chemical industry at the county level and above, which, after prior endorsement, shall be submitted, step-by-step, to the provincial administrations of the chemical industry for final approval. A registration certificate for such designated production shall be issued to those which receive approval.

Article 7. Units wishing to distribute special chemicals used for manufacturing drugs shall, in accordance with article 5 of the present Regulations, submit applications for registration to the appointed competent authorities at the county level and above, which, after prior endorsement, shall be submitted, step-by-step, to the appointed competent authorities at the provincial level for final approval. A registration certificate for such appointed distribution shall be issued to those which receive approval. The industrial and commercial administrations shall indicate, on the business licences of appointed distributing units, the names of items of trade.

Enterprises which have been punished twice for illegal distribution or have suffered heavy losses shall not be permitted to undertake distribution of such special chemicals.

Article 8. Units wishing to use special chemicals that are used for manufacturing drugs shall submit applications for registration to the competent authorities of their trades at the county level and above, which, after prior endorsement, shall be submitted, step-by-step, to the competent authorities of their trades at the provincial level for final approval. A registration certificate for using such special chemicals shall be issued to those which receive approval.

Article 9. Units procuring such special chemicals from outside the province shall produce copies of their business licences and be in possession of the registration certificates for using such chemicals, issued and verified by the competent authorities of their trades in the provinces, autonomous regions and municipalities directly under the central Government where they operate, or by any office duly authorized at the local level.

Article 10. The designated producing units shall not provide special chemicals for manufacturing drugs to non-appointed distributing units; the designated producing units and appointed distributing units shall not provide such special chemicals to any unit or individual not having a legal registration certificate for using such special chemicals.

Article 11. Owners wishing to transport special chemicals for manufacturing drugs shall possess all the relevant required registration certificates. For a single shipment of more than 100 kilograms of such chemicals, the owners shall, by producing the registration certificates provided for in the present Regulations, obtain a registration certificate for transporting such special chemicals from the public security organs of the counties, prefectures or above from which they are to be transported.

Transporting units or individuals shall not agree to transport such special chemicals for units or individuals not having the certificates provided for in article 10.

Article 12. The competent authorities shall decide whether to approve an application for registration concerning the designated production and appointed distribution of special chemicals for manufacturing drugs within 30 days after the application is submitted. The public security organs shall issue a permit for transporting such special chemicals immediately after the certificates and letters of introduction as required in article 11 of the present Regulations are provided.

Article 13. The provincial public security office shall design a uniform format for the registration certificates and licences required in the present Regulations, and issuing organs shall charge fees for the costs involved.

The amount of fees for the costs involved shall be approved by the financial and pricing administrations of the province.

Article 14. Import and export of special chemicals used for manufacturing drugs must be conducted in conformity with the State's relevant regulations on foreign trade. No units or individuals shall provide such special chemicals abroad without authorization.

Article 15. Units producing, distributing, using and transporting special chemicals used for manufacturing drugs shall establish, respectively, their own records on the production, distribution, use and transportation of such special chemicals for examination.

Article 16. The required registration certificates and licences for special chemicals used for manufacturing drugs shall not be claimed under false names or by fraud or forged, traded or leased by any unit or individual.

Article 17. The competent authorities shall carry out strict examinations and shall not issue any certificate to a unit or an individual failing to fulfil the relevant requirements. State personnel responsible for approving and issuing the required certificates for special chemicals used for manufacturing drugs shall not engage in favouritism through irregularities or neglect their duties.

Article 18. The public security organs at the county level and above shall put into place a reporting system to detect illegal production, distribution, use and transportation of special chemicals used for manufacturing drugs.

Article 19. Units or individuals shall be recognized and rewarded by the competent authorities or the public security organs for their outstanding achievements in implementing the present regulations or for their contribution to reporting and disclosing illegal activities.

Article 20. Production and distribution of special chemicals used for manufacturing drugs in violation of the present Regulations shall be punishable by fines from RMB 3,000 to 30,000 and a deadline shall be fixed for consolidation. Continuation of such production and distribution shall be punishable by fines five to 10 times heavier, and fines from RMB 3,000 to 5,000 shall be imposed on those directly in charge. In the case of serious violations, the relevant registration certificates of the unit in question may be cancelled.

If a designated producing unit produces special chemicals used for manufacturing drugs without authorization or provides such special chemicals to a unit or an individual without legal registration certificates for distribution and use, sanctions shall be imposed by the administrations of the chemical industry at the county level and above.

If an appointed distributing unit provides such special chemicals to a unit or an individual without registration certificates for distribution or use, sanctions shall be imposed by the competent authorities which have given approval to the unit; and if such special chemicals are distributed without authorization, sanctions shall be imposed by the industrial and commercial administrations.

Article 21. Transportation of special chemicals used for manufacturing drugs in violation of the provisions of the present Regulations shall be punishable by fines from RMB 10,000 to 50,000, imposed by the public security organs. Continuation of such violations shall be punishable by fines five to 10 times heavier, and fines from RMB 5,000 to 10,000 shall be imposed on those directly in charge and other persons directly responsible.

Article 22. Claiming under false names or by fraud, or forging, trading or leasing of registration certificates and licences in an attempt to engage in the illegal production, distribution, use and transportation of special chemicals used for manufacturing drugs shall be punishable by fines twice as heavy as those provided for in articles 20 and 21, and criminal responsibility shall be investigated where a crime has been committed.

Article 23. In case of failure to establish records for examination on the production, distribution, use or transportation of special chemicals used for manufacturing drugs, the public security organs shall fix a deadline by which the producing, distributing, using or transporting units concerned must show improvement; otherwise, fines up to RMB 5,000 on the unit and up to RMB 3,000 on its responsible person(s) held to be liable shall be imposed.

Article 24. Where special chemicals used for manufacturing drugs are illegally transported or carried out of the Chinese territory, or where such special chemicals are provided to those who are well known to make drugs, the judiciary organs shall investigate criminal responsibility in accordance with the law.

Article 25. Where State personnel are prevented from carrying out their official duties, the public security organs shall impose sanctions for endangerment of public security, and shall investigate criminal responsibility if a crime is committed.

Article 26. If State personnel who are vested with the responsibilities provided for in the present Regulations engage in favouritism through irregularities or neglect their duties, administrative sanctions shall be imposed accordingly, and criminal responsibility shall be investigated if a crime has been committed.

Article 27. The parties concerned may, in accordance with the law, request administrative review of, or initiate administrative proceedings against, the administrative sanctions and mandatory administrative measures imposed on them under the present Regulations, or against a refusal to issue registration certificates and licences.

Article 28. The provincial public security office shall be responsible for giving interpretations regarding questions arising from the implementation of the present Regulations.

Article 29. The present Regulations shall enter into force as of 1 August 1995.