



UNITED NATIONS

E/NL.1977/57
17 April 1979
ENGLISH ONLY

LAWS AND REGULATIONS

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

NETHERLANDS

Communicated by the Government of the Netherlands

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 text.

Staatsblad (Bulletin of Acts, Orders and Decrees) of
the KINGDOM OF THE NETHERLANDS 1976.

No.425

ORDER BY THE MINISTER OF JUSTICE, 16 AUGUST 1976, TO
PUBLISH THE TEXT OF THE OPIUM ACT (STAATSBLAD 1928,
NO. 167) AS LAST AMENDED BY THE ACT OF 23 JUNE 1976
(STAATSBLAD NO. 424) IN THE STAATSBLAD

The Minister of Justice,

Having regard to Section V of the Act of 23 June 1976 (Staatsblad No. 424);

Decrees:

that the text of the Opium Act (Staatsblad 1928, No. 167) as last amended by the Act
of 23 June 1976 (Staatsblad No. 424) be published in the Staatsblad as an annex to this Order.

The Hague, 16 August 1976
The Minister of Justice,
Van Agt

Published 19 August 1976
The Minister of Justice

ANNEX

Text of the Opium Act (Staatsblad 1928, No. 167) as amended by the Acts of 28 July 1933 (Staatsblad No. 381), 18 June 1953 (Staatsblad No. 322, 1/ 28 June 1956 (Staatsblad No. 390), 2/ 22 May 1958 (Staatsblad No. 296), 28 July 1958 (Staatsblad No. 408), 2 August 1962 (Staatsblad No. 324), 5 May 1966 (Staatsblad No. 246), 3 May 1971 (Staatsblad No. 287), 23 June 1976 (Staatsblad No. 377) and 23 June 1976 (Staatsblad No. 424).

Section 1

1. In this Act and the regulations ensuing therefrom, the following definitions apply:
 - (a) "Our Minister": The Minister of Health and Environmental Protection;
 - (b) "substance": matter of human, animal, vegetable or chemical origin, including animals, plants, parts of animals or plants and micro-organisms;
 - (c) "preparation": a solid or liquid mixture of substances;
 - (d) "drug": substance or preparation;
 - (e) "Single Convention": the Single Convention on Narcotic Drugs concluded 30 March 1961 in New York, ratified by the Act of 2 March 1964 (Staatsblad No. 111).
2. This Act and the regulations ensuing therefrom apply equally to the salts of substances and to the substances themselves.
3. For the purposes of this Act "manufacturing" includes refining drugs and transforming them into other drugs.
4. Importing */ the drugs referred to in Sections 2 and 3 includes importing objects or goods in which the drugs are packed or concealed and any action aimed at further transport, storage, delivery, receipt or transfer in connexion with the drugs which have been imported or with the objects or goods in which the drugs are packed or concealed.
5. Exporting the drugs referred to in Sections 2 and 3 includes exporting objects or goods in which the drugs are packed or concealed and transporting the drugs, goods or objects, accepting or tendering them for transport to a destination in a foreign country, declaring them for export within the meaning of the Customs and Excise Act (Staatsblad 1961, No. 31) or having them in, or on, or attached to a vessel, vehicle or aircraft with a foreign destination.

Section 2

1. It is prohibited:
 - A. to import into or export,
 - B. to prepare, treat, process, sell, deliver, supply or transport,
 - C. to possess, or
 - D. to manufacture
 - (a) the drugs listed in Schedule I to this Act,
 - (b) the drugs designated by virtue of subsections 2 and 3 of this Section.
2. The authorities may designate by General Administrative Order:
 - (a) psychotropic drugs which, when used by humans, may result in damage to health and have harmful consequences for society, and,
 - (b) drugs which are included within the scope of the Single Convention.
3. If designation of a drug by virtue of subsection 2 is under consideration and in the opinion of Our Minister immediate measures are necessary, designation may be made by decree of Our Minister.

Such a decree, unless revoked, shall remain in force until the General Administrative Order designating the drug in question takes effect, but no longer than one year after the decree comes into force.
4. A decree pursuant to subsection 3 shall be published in the Netherlands Government Gazette.

*/ "Import" and "export" mean in their respective connotations physical transfer into or out of the territory of the Netherlands.

1/ Note by the Secretariat: E/NL.1956/84.

2/ Note by the Secretariat: E/NL.1957/15.

Section 3

It is prohibited:

- A. to import into or export,
- B. to prepare, treat, process, sell, deliver, supply or transport,
- C. to possess, or
- D. to manufacture

the drugs listed in Schedule II to this Act.

Section 3a

1. Drugs and specific kinds of utilization may be wholly or partially exempted from the provisions of Sections 2 and 3 by General Administrative Order.
2. Regulations concerning the drugs referred to in Sections 2 and 3 may be laid down by General Administrative Order to ensure observance of the provisions of the Single Convention or to prevent misuse of the drugs.

Section 3b

1. It is prohibited to disseminate information clearly intended to promote the sale, delivery or supply of a drug referred to in Section 2 or Section 3.
2. Subsection 1 does not apply to the dissemination of information for medical or scientific purposes.

Section 4

1. Any drug referred to in Section 2 may be prescribed only in accordance with rules to be laid down by General Administrative Order and if the prescription complies with regulations to be laid down by Our Minister.
2. The ordering of any drug referred to in Section 2 by the holders of a permit referred to in Section 6, subsection 1, and by the dispensing chemists, dispensing physicians and veterinary surgeons referred to in Section 6, subsection 2, may take place only in accordance with regulations to be laid down by Our Minister.
3. It is prohibited, for the purpose of obtaining any drug referred to in Section 2:
 - (a) to present a false or falsified prescription;
 - (b) to present a prescription bearing a name or address different from the name or address of the person for whom the prescription has been issued.
4. Any person to whom a decree as referred to in Section 6, subsection 5 applies, is prohibited from prescribing any drug referred to in Section 2.

Section 5

1. Section 2, subsection 1, A and Section 3, A shall not apply if the import or export takes place with a permit from Our Minister and in accordance with the regulations to be laid down by or on behalf of Our Minister. These regulations may differ as regards the various drugs referred to in these Sections.
2. A fee may be charged for a permit referred to in subsection 1, on the basis of a scale of charges in accordance with rules to be laid down by General Administrative Order.

Section 6

1. Section 2, subsection 1, B, C and D and Section 3, B, C, and D shall not apply where Our Minister has issued a permit for one or more of the acts referred to there to be carried out. An annual fee may be charged on the basis of a scale of charges in accordance with rules to be laid down by General Administrative Order.
2. Without prejudice to the regulations laid down by General Administrative Order, Section 2, subsection 1, B and C shall not apply either:

- (a) to established dispensing chemists and dispensing physicians, provided they prepare, treat, process, sell, deliver, supply, transport or possess the drugs referred to in the aforementioned Section solely for medical purposes, in so far as these activities take place within the normal exercise of their business or profession;
- (b) to established veterinary surgeons, provided they prepare, treat, process, sell, deliver, supply, transport or possess the drugs referred to in the aforementioned Section solely for use on animals for medical purposes.

3. Without prejudice to the regulations laid down by General Administrative Order, the provisions of Section 2, subsection 1, B, in so far as they are applicable to supply and transport, and C shall not apply either to the institutions designated in the aforementioned Order or to those persons who can prove that they require the drugs referred to in the aforementioned Section in the quantities found in order to practice medicine, dentistry, veterinary medicine or for their personal medical use or are required by law to hold stocks of such drugs and have obtained them lawfully.

4. Sections 2 and 3 as applicable to transport and possession shall not apply either to persons who can prove that they are transporting the drugs on the orders of an authorized person.

5. If a person authorized either to deliver or prescribe the drugs referred to in Section 2 is repeatedly found guilty of contravening one or more regulations laid down in accordance with this Section, Our Minister may, having heard the Chief Inspectors for the State Supervision of Public Health designated by Us, order that either subsection 2 or subsection 3 shall no longer apply to this person.

6. A decree as referred to in subsection 5 shall remain in force for a period not exceeding four years and shall be communicated on behalf of Our Minister to those persons who are authorized to deliver the drugs referred to in Section 2.

Section 7

1. Our Minister may grant a permit as referred to in Section 6, subsection 1 only:

- (a) to persons who or institutions which can satisfy Our Minister that they require the permit for scientific or educational purposes;
- (b) in so far as the interests of public health demand:
 - (i) to persons who hold a permit granted exclusively for the delivery of medicines as referred to in Section 2, subsection 1, d of the Medicines Act;
 - (ii) to persons who hold a permit to prepare medicines and deliver them, as referred to in Section 2, subsection 1, d of the Medicine Act and who can satisfy Our Minister that they will manufacture the drugs referred to in Section 2 in premises which have been described in detail and exclusively designated for the purpose;
 - (iii) to other persons, in the interests of the State, in the event of war, risk of war, or abnormal circumstances related to or connected with war or risk of war.

2. A permit may be granted with restrictions. Regulations may be attached to a permit in order to ensure observance of the provisions of the Single Convention and of the provisions as laid down by or in accordance with this Act, or in order to prevent the misuse of the drugs to which a permit applies.

3. A permit may be withdrawn if:

- (a) the interests of public health require it;
- (b) the holder of the permit contravenes the regulations laid down by or in accordance with this Act or the regulations attached to the permit.

4. Withdrawal of a permit shall take place by decree of Our Minister stating the grounds on which it is based; a time limit may be set within which the trader or manufacturer can dispose of his lawfully obtained stocks before the permit is withdrawn, in accordance with the regulations to be laid down by Our Minister.

Section 8

In addition to the persons designated by or in accordance with Section 141 of the Code of Criminal Procedure and Section 40 of the Health Act, the officers of the Customs and Excise shall be responsible for the detection and investigation of offences under this Act.

Section 9

1. Investigating officers shall have the right of access at all times to:
 - (a) vehicles and vessels known or reasonably supposed by them to be importing or transporting the drugs referred to in Section 2 or Section 3, subsection 1, or in, or on or attached to which these drugs are known or reasonably supposed by them to be present or stored, and
 - (b) premises where an offence under this Act is being committed or where it can reasonably be supposed that such an offence is being committed.
2. If access is denied to them, they shall gain it, if necessary by summoning the assistance of the police.
3. They may not enter premises which are also dwellings or which are only accessible through a dwelling, without the consent of the occupier unless they are accompanied by the cantonal court judge, a superintendent of police or the burgomaster of the municipality, or are in possession of a general or special warrant issued by the Procurator General to a Court of Appeal or a Public Prosecutor to a District Court or a special warrant from one of the assistant public prosecutors.
4. An official report shall be drawn up by them of such entry made without the consent of the occupier, who shall receive a copy of the said report within forty-eight hours. This report shall include the exact time, the date and the purpose of entry.
5. They shall be authorized to search the person and clothing of anyone suspected of having committed a serious offence under this Act, if they have good grounds for so doing.
6. They shall be authorized at all times to seize objects liable to be seized. They may demand their surrender for this purpose.

Section 10

1. Any person contravening:
 - (a) the provisions of Section 2, subsection 1, Section 3b, subsection 1, or Section 4, subsection 3 or 4,
 - (b) a regulation laid down by virtue of Section 3a, subsection 2, Section 4, subsection 1 or 2, Section 5, subsection 1, or Section 6, subsection 2 or 3,
 - (c) one of the regulations attached to a permit as referred to in Section 6 or laid down by a withdrawal decree as referred to in Section 7,

shall be liable to a penalty of detention not exceeding six months or to a fine not exceeding Fls.10,000.

2. Any person wilfully contravening the provisions of Section 2, subsection 1, C, Section 3b, subsection 1, or Section 4, subsection 3, shall be liable to a penalty of either a term of imprisonment not exceeding 4 years or to a fine not exceeding Fls.50,000 or both.
3. Any person wilfully contravening the provisions of Section 2, subsection 1, B or D shall be liable to a penalty of either a term of imprisonment not exceeding eight years or to a fine not exceeding Fls.100,000, or both.
4. Any person wilfully contravening the provisions of Section 2, subsection 1, A shall be liable to a penalty of either a term of imprisonment not exceeding 12 years or to a fine not exceeding Fls.250,000, or both.
5. If the contravention referred to in subsection 2 or subsection 4 concerns a small quantity intended for personal use, the penalty shall be a term of imprisonment not exceeding one year or a fine not exceeding Fls.500.

Section 11

1. Any person contravening the provisions of Section 3 shall be liable to a penalty of detention not exceeding one month or to a fine not exceeding Fls.500.
2. Any person wilfully contravening the provisions of Section 3, B, C or D, shall be liable to a penalty of either a term of imprisonment not exceeding two years or to a fine not exceeding Fls.10,000, or both.

3. Any person wilfully contravening the provisions of Section 3, A shall be liable to a penalty of either a term of imprisonment not exceeding four years or to a fine not exceeding Fls.50,000 or both.

4. Subsection 2 shall not apply if the contravention concerns a quantity not exceeding 30 grammes of the drugs referred to in Section 3.

Section 12

1. If an offence under this Act is committed by or on behalf of a legal entity, criminal proceedings shall be instituted against and the penalty imposed on the legal entity or on the person or persons giving instructions for the offence to be committed or actually in charge at the time of the offence, or both.

2. An offence under this Act shall be deemed to have been committed by or on behalf of a legal entity if it is committed by persons acting within the scope of the legal entity, whether by virtue of employment or by virtue of another function, irrespective of whether these persons commit the offence severally or jointly.

3. If criminal proceedings are instituted against a legal entity, the latter shall be represented in the said proceedings by the director or manager or where there is more than one, by one such person. This representative may appear by proxy. The court may order a specific director or manager to appear in person; it may order that he be brought to the court.

4. If criminal proceedings are instituted against a legal entity, documents issued by the court shall be served on the person or at the address of the chairman of the board or at the address where the board holds its meetings or its office is situated, except in the case of delivery of a court document as referred to in Section 585 of the Code of Criminal Procedure, in accordance with the application of Section 587, subsections 2 and 3, of the Code.

5. For the purposes of this Section a company shall be regarded as a legal entity.

Section 13

1. Offences punishable under the provisions of Section 10, subsection 1, and Section 11, subsection 1, shall be minor offences.

2. Offences punishable under the provisions of Section 10, subsections 2, 3, 4 and 5, and Section 11, subsections 2 and 3, shall be serious offences.

Section 13a

Without prejudice to the provisions of Sections 33 to 35 and 36a to 36c of the Criminal Code, the drugs referred to in Sections 2 and 3 shall be confiscated.

Section 14

This Act may be cited as the "Opium Act".

Section 15

This Act shall come into force on a date to be determined by Us. As of that date, the Act of 4 October 1919, Staatsblad No.592, containing regulations concerning opium and other narcotic drugs, as amended by the Act of 29 June 1925, Staatsblad No.308, shall cease to have effect.

SCHEDULE I TO THE OPIUM ACT

A.1. Substances listed in the Schedule referred to in Article 2, paragraph 1, of the Single Convention

Acetorphine^{3/}
Acetylmethadol
Allylprodine
Alphacetylmethadol
Alphameprodine
Alphamethadol

Alphaprodine
Anileridine
Benzethidine
Benzylmorphine
Betacetylmethadol

^{3/} Note by the Secretariat: International non-proprietary names are underlined.

<u>Betameprodine</u>	<u>Ketobemidone</u>
<u>Betamethadol</u>	
<u>Betaprodine</u>	<u>Levomethorphan</u>
<u>Bezitramide</u>	<u>Levomoramide</u>
	<u>Levophenacylmorphan</u>
<u>Clonitazene</u>	<u>Levorphanol</u>
Cocaine	
<u>Codoxime</u>	<u>Metazocine</u>
	<u>Methadone</u>
<u>Desomorphine</u>	<u>Methyldesorphine</u>
<u>Dextromoramide</u>	<u>Methyldihydromorphine</u>
<u>Diampromide</u>	<u>Metopon</u>
<u>Diethylthiambutene</u>	<u>Morpheridine</u>
<u>Difenoxin</u>	Morphine
Dihydromorphine	Morphine-N-oxide
<u>Dimenoxadol</u>	<u>Myrophine</u>
<u>Dimepheptanol</u>	
<u>Dimethylthiambutene</u>	<u>Nicomorphine</u>
<u>Dioxaphetylbutirate</u>	<u>Noracymethadol</u>
<u>Diphenoxylate</u>	<u>Norlevorphanol</u>
<u>Dipipanone</u>	<u>Normethadone</u>
<u>Drotebanol</u>	<u>Normorphine</u> (demethylmorphine or N-demethylated morphine)
	<u>Norpipanone</u>
Ecgonine	
<u>Ethylmethylthiambutene</u>	<u>Oxycodone</u>
<u>Etonitazene</u>	<u>Oxymorphone</u>
<u>Etorphine</u>	
<u>Etoxadine</u>	<u>Pethidine</u>
	<u>Phenadoxone</u>
<u>Fentanyl</u>	<u>Phenampromide</u>
<u>Furethidine</u>	<u>Phenazocine</u>
	<u>Phenomorphane</u>
Heroin (diacetylmorphine)	<u>Phenoperidine</u>
<u>Hydrocodone</u> (dihydrocodeinone)	<u>Piminodine</u>
<u>Hydromorphanol</u>	<u>Piritramide</u>
<u>Hydromorphone</u> (dihydromorphinone)	<u>Proheptazine</u>
<u>Hydroxypethidine</u>	<u>Properidine</u>
<u>Isomethadone</u>	<u>Racemethorphan</u>
	<u>Racemoramide</u>
	<u>Racemorphan</u>
	<u>Thebacon</u>
	Thebaine
	Trimeperidine

Optical isomers of the aforementioned substances, with the exception of Dextromethorphan and Dextrorphan.

Esters and ethers of the aforementioned substances.

Preparations which contain one or more of the aforementioned substances.

A.2. Substances listed in the Schedule referred to in Article 2, paragraph 2, of the Single Convention

Acetyldihydrocodeine

Codeine

Dihydrocodeine

Ethylmorphine

Nicocodeine

Nicodicodine

Norcodeine (N-demethylcodeine)

Pholcodine

Propiram

Optical isomers of the aforementioned substances.

Preparations which contain one or more of the aforementioned substances.

B. Stimulants

Amfepramone

Amphetamine.

Benzphetamine

Dexamphetamine

Ethylamphetamine

N-ethyl-methylphenethylamine

Facetoperan

1-treo-1-phenyl-1-(2-piperidyl)-methylacetate)

Fencamfamin

Fenetylline

Levamphetamine

Methamphetamine

Methylphenidate

Pemoline

and its metal compounds

Phendimetrazine

Phenmetrazine

Phentermine

Pipradol

Prolintane

Propylhexedrine

Optical isomers of the aforementioned substances.

Preparations which contain one or more of the aforementioned substances.

C. Psychogenic substances

Lysergin acid amid

7-methyl-4, 6, 6a, 7, 8, 9-hexahydroindolo
(4, 3-f, g) chinoline-9-carboxamide

The mono-alkylamids of lysergin acid

The di-alkylamids of lysergin acid (such as Lysergide)

Lysergin acid-pyrrolidide

Lysergin acid-morfolide

The derivatives of aforementioned psychotogenic substances, obtained by feeding (one) methyl-, acetyl- or Br-group(s) into the indole-nucleus

Mescaline	3, 4, 5-trimethoxy-fenethylamine
Psilocine	3- (2-dimethylamino-ethyl)-indool-4-ol
<u>Psilocybine</u>	
Dimethyltryptamine (DMT)	3- (2-dimethylamino-ethyl)-indool
Diethyltryptamine (DET)	3- (2-diethylamino-ethyl)-indool
Bufotenine	3- (2-dimethylamino-ethyl)-indool-5-ol
S.T.P. or D.O.M.	2, 5-dimethoxy-4, α -dimethyl-fenethylamine
Tetrahydrocannabinols	7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo (b, d) pyraan-1-ol

Optical isomers of the aforementioned substances.

Preparations which contain one or more of the aforementioned substances.

Any preparation which contains cannabis resin, with the exception of solid mixtures as described in Schedule II.

D. Raw materials

Poppy straw, by which is understood all parts(except the seeds) of the plant *Papaver somniferum* L. after mowing.

Coca leaf, by which is understood the leaves of all species of the genus *Erythroxylon*, which contain cocaine or out of which cocaine can be obtained by chemical transformation.

Concentrate of Poppy straw, by which is understood the substance obtained when poppy straw has entered into a process for concentration of its alkaloids.

Opium, by which is understood the coagulated juice extracted from the *Papaver somniferum* L. irrespective of morphine content.

Raw cocaine, by which is understood the products extracted from the coca leaf, which can serve directly or indirectly for the manufacturing of cocaine.

Preparations which contain one or more of the aforementioned substances.

Industrial semi-manufactured products listed in the Schedule referred to in Article 2, paragraph 1 of the Single Convention.

Methadone

Moramide

Pethidine - intermediate A

Pethidine - intermediate B

Pethidine - intermediate C

Pethidine

Optical isomers of the aforementioned substances.

Esters of the aforementioned substances.

Preparations which contain one or more of the aforementioned substances.

SCHEDULE II TO THE OPIUM ACT

Cannabis, by which is understood any part of the plant (except the seeds) of the genus *Cannabis*, from which the resin is not extracted.

Customary solid mixtures of cannabis resin and vegetable elements of hemp (such as hashish, esrar, chiras, and djamba), to which no other substances have been added.