



UNITED NATIONS

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ONLY  
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## LAWS AND REGULATIONS

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

BOLIVIA

NOTE BY THE SECRETARY-GENERAL - In accordance with the relevant Articles of the International Treaties on Narcotic Drugs, the Secretary-General has the honour to communicate the following legislative texts.

E/NL.1975/10

LEGISLATIVE DECREE NO. 11245

GENERAL HUGO BANZER SUAREZ  
President of the Republic

CONSIDERING:

that in pursuance of the social policy of the Nationalist Government there was established by Supreme Decree No. 10858 dated 7 May 1973 the Committee to draft the Act for the Control of Dangerous Substances, which Committee has submitted its report and the draft of the Act in question;

that, in view of the social evil represented by the preparation and production of, the illicit traffic in, and the use and consumption of controlled substances, and of the fact that there are no consolidated legislative provisions concerning this matter, the Nationalist Government has a duty to enact legislation in defence of the physical and moral health of the Bolivian people;

IN COUNCIL OF MINISTERS, WITH THE FAVOURABLE ADVICE OF THE NATIONAL POLITICAL AND SOCIAL COUNCIL,

HEREBY ORDERS:

Article 1. There is hereby promulgated the Act for the Control of Dangerous Substances, 1/ which shall enter into force as from the date hereof.

Article 2. Any provisions inconsistent with the present Legislative Decree are hereby repealed.

The Ministers of State responsible for the Departments of the Interior, Migration and Justice, Public Health and Social Welfare, Agriculture and Livestock, Education and Culture, and Rural Affairs are responsible for administering and giving effect to this Legislative Decree.

Given in Government Palace, La Paz, on 20 December 1973.

1/ Note by the Secretariat: E/NL.1975/11.

NATIONAL ACT FOR THE CONTROL OF DANGEROUS SUBSTANCES

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TITLE I

GENERAL OBJECTIVES

Art 1. The National Act for the Control of Dangerous Substances prescribes the procedures for the control, supervision and regulation of activities connected with the sowing, cultivation, harvesting, gathering, marketing, distribution, sale, use, storage, delivery and possession of plants or parts of plants that contain raw materials for the production of narcotics and controlled substances and of the synthetic materials used in the preparation of dangerous substances.

Art 2. The Act lays down the rules concerning the prevention and suppression of the manufacture, preparation, fractionation, marketing, distribution, illicit traffic, storage, delivery, possession, use and improper consumption of narcotics and controlled substances.

Art 3. The Act establishes general rules for the treatment and rehabilitation of persons initiated in the consumption of dangerous substances, as well as of drug addicts, by means of all available systems of medical assistance.

Art 4. The set of rules concerning control, prevention, suppression and treatment shall constitute the national strategy for protecting society and for countering any act that jeopardizes its moral, spiritual and material values.

TITLE II

TERMS USED

Art 5. The expressions "dangerous substances", "controlled substances" and "substances under supervision" mean the drugs, substances or immediate precursors defined in this Act and those specified in Schedules I, II, III and IV annexed to this Act, including all those regulated by the Single Convention on Narcotic Drugs, 1961, as amended by the Geneva Protocol of 1972 and the Vienna Convention on Psychotropic Substances of 1972.

Art 6. The expression "narcotic drugs or preparations" means those substances which, whether they produce or do not produce psychic dependence, profoundly affect the conduct and behaviour of the individual and under the influence of which antisocial acts are committed.

The substances in question are those enumerated in the List of substances under control of the United Nations International Narcotics Control Board and in the opinions of the drug experts of the World Health Organizations.

Art 7. The term "narcotics" means all substances which are produced directly or indirectly by extraction from materials of vegetable origin, or by means of chemical synthesis or by a combination of both methods. These substances correspond to the following groups:

- (a) Opium, coca bush, coca leaf, poppy straw and opiates;
- (b) Any compound or manufacture of and any salt derived or prepared from opium, coca leaf or opiates;
- (c) Any substance chemically identical with any of the substances referred to in (a) and (b).

Art 8. "Opium" means the coagulated juice of the poppy straw or of other plants of the "papaveraceae" family and all the preparations and syntheses obtained therefrom.

Art 9. "Opiates" means all drugs or substances derived from opium which are liable to produce and maintain addiction.

Art 10. "Poppy straw" means all parts of the opium poppy plant, except the seeds.

Art 11. "Coca bush" means a plant of the genus "erythroxyton" and its erythroxytonaceae varieties.

Art 12. "Cocaine" means the alkaloid extracted from the coca bush and parts thereof, in all its forms and derivatives, by reason of its capacity to produce and maintain addiction.

Art 13. The expression "psychotropic drugs" means those drugs which create conditions of psychological dependence in the individual as a result of their periodic and repeated absorption.

Art 14. Psychotropic pharmaceutical products are divided into the following groups:

- (a) Neuroleptics or antipsychotics;
- (b) Sedatives, anxiolytics or tranquillizers;
- (c) Psychotonics or anti-depressants;
- (d) Psycho-stimulants;
- (e) Psychodysleptics or hallucinogens and other products classified as psychotropic substances by the National Administration for the Control of Dangerous Substances, in the light of the progress of pharmacological technology.

Art 15. The term "depressant" means a habit-forming drug containing any quantity of barbituric acid, or any salt or derivatives of barbituric acid.

Art 16. The term "stimulant" means a drug containing any quantity of amphetamine capable of producing addiction.

Art 17. The expression "hallucinogenic substance" means lysergic acid diethylamide (LSD) and any other substance capable of producing dangerous hallucinogenic effects.

Art 18. "Marihuana" means all parts of the plants (alive or dead) of the genus "cannabis", the seeds, resins extracted from any part thereof, compounds, manufactured products, salts, derivatives, mixtures or preparations in all their forms.

Art 19. The expression "immediate precursor" means the raw or semi-processed material used in the manufacture of controlled substances.

Art 20. The term "addict" or "person dependent on drugs" means any person who uses habitually a narcotic or dangerous substance liable to endanger his moral or physical health, safety and well-being and who has become addicted or dependent and, having lost self-control over the habit, constitutes a threat to society.

Art 21. The term "to administer" describes the direct application to the individual of a controlled substance, whether by injection, inhalation, ingestion or any other method.

Art 22. The term "delivery" means the transfer of a controlled substance from one person to another, whether or not the act is based on a legal relationship.

Art 23. "Dispensing" means the delivery of a controlled substance by a medical practitioner to a patient or person examined.

The medical practitioner who delivers a controlled substance is deemed to dispense the substance.

Art 24. "Production" means the sowing, planting, cultivation, growing, harvesting and gathering of materials of vegetable origin that contain controlled substances.

Art 25. "Manufacture" means the preparation, elaboration, manufacture, compounding, conversion or processing of a controlled substance either directly or indirectly through the extraction of substances of natural origin or by chemical synthesis - in short, all processes by means of which psychotropic substances may be obtained, including refining and transformation into other psychotropic substances.

Art 26. "Illicit traffic" means any prior or subsequent act which has as its object illicit commercial transactions in, or the possession and delivery, for any reason whatsoever, of narcotics and controlled substances and which takes place between persons or institutions in violation of the regulations laid down by this Act.

### TITLE III

#### PROHIBITION AND CONTROL

Art 27. The following activities shall be prohibited throughout the territory of the Republic: the sowing, cultivation, gathering, harvesting and exploitation of plants of the genus "papaver" (poppy straw, papaver somniferum) and of plants of the genus "cannabis" (marihuana) and other plants possessing elements which are considered to be narcotics and which contain controlled substances.

An exception shall be made in the case of the cultivation of the coca, which shall be subject to the régime laid down in the following Title.

Art 28. No individual or body corporate may hold narcotics or drugs containing controlled substances, in any form, quantity, or place without the prior authorization of the National Administration for the Control of Dangerous Substances, or the prior issue of controlled medical prescriptions; any contravention of this provision is punishable as prescribed in Title V of this Act.

Art 29. The manufacture, elaboration, marketing, importation, exportation, distribution, possession, holding, delivery, use and consumption of narcotics and controlled substances included in Schedule I of the annex to this Act shall be prohibited.

Art 30. The National Administration for the Control of Dangerous Substances may authorize scientific, university and official bodies to acquire limited quantities of narcotics and controlled substances included in Schedule I of the annex.

It is a condition of the grant of this authorization that the said institutions shall specify the purposes for which the substances are required and the quantities needed and report periodically on the results of their researches.

Art 31. Industrial, chemical and pharmaceutical laboratories which need to use the controlled substances included in Schedule I of the annex for purposes of research and the production of medicaments are required to obtain the corresponding authorization from the National Administration for the Control of Dangerous Substances, and to report on the results of their activities and on the nature of the products.

Art 32. Laboratories of the chemical and pharmaceutical industries may not manufacture medicaments containing controlled substances included in Schedules II, III and IV except under the licence of the National Administration for the Control of Dangerous Substances, and shall notify the quantity, content and nature of the production.

Art 33. Medicaments which contain controlled substances and which are included in Schedules II, III and IV of the annex to this Act shall not be sold to the public in drug stores, pharmacies or commercial establishments authorized for their sale except on presentation of a medical prescription made out on a counterfoil form approved by the National Administration for the Control of Dangerous Substances.

Art 34. Controlled substances, products or preparations which are not included in Schedule I may be prescribed solely by qualified medical practitioners, dentists and veterinary surgeons on the national register, and such prescriptions shall be made out on special counterfoil forms approved by the National Administration for the Control of Dangerous Substances and shall indicate the quantity required, the therapeutic use, the chemical name of the product and the name and address of the patient.

Art 35. The importation of medicaments, and of the raw materials for their manufacture, which contain controlled substances not included in Schedule I, shall be subject to the production of the certificate and licence of the National Administration for the Control of Dangerous Substances.

Art 36. Imports of preparations, products or controlled substances which are authorized by the National Administration for the Control of Dangerous Substances may not enter the country except through the district Customs offices expressly designated by the said Administration.

Art 37. No district Customs office may clear substances or products referred to in article 35 of this Act unless the authorization of the National Administration for the Control of Dangerous Substances has been produced.

Art 38. The district Customs offices are required to communicate to the National Administration for the Control of Dangerous Substances copies of the permits covering the importation or exportation of products of raw materials containing controlled substances, within forty-eight hours after their issue, on the responsibility of the official in charge.

Art 39. Bolivian Consular officials accredited abroad shall not issue invoices for the importation of narcotics and controlled substances except on production of the permit of the country of origin and of the licence of the National Administration for the Control of Dangerous Substances authorizing their importation into the national territory, copies of the said licences being attached.

Art 40. Consular officials shall transmit to the National Administration for the Control of Dangerous Substances, through the Ministry of Foreign Affairs, a detailed monthly report concerning the invoices issued, the date of importation, the names of the consignors and consignees, the names of the products, their chemical composition, quantities and type of packaging.

Art 41. Air, land, sea, lake and river transport offices are required to obtain the authorization of the National Administration for the Control of Dangerous Substances before dispatching and registering medicaments containing controlled substances.

The said offices are required to submit a monthly report on shipments made.

Art 42. Narcotics and medicaments containing controlled substances may not be transported in any type of vehicle except with the prior authorization of the National Administration for the Control of Dangerous Substances.

Where such authorization has been granted, the carrier shall keep it on his person and produce it whenever required.

Art 43. In no circumstances may products or preparations containing narcotics or controlled substances be imported or exported through the postal service.

Art 44. Both the entry and distribution in the country and the consignment abroad of free medical samples containing controlled substances shall be subject to registration with the National Administration for the Control of Dangerous Substances.

Art 45. The industrial, chemical and pharmaceutical laboratories operating in Bolivia are required to register with the National Administration for the Control of Dangerous Substances, giving particulars of the type of corporation or firm, and the name and address of its authorized representatives, such registration to be without prejudice to any other official registrations prescribed for such firms or corporations.

Art 46. Drug stores, pharmacies and business undertakings which are authorized to sell medicaments are required to register with the National Administration for the Control of Dangerous Substances particulars of their stocks of drugs containing controlled substances and of their import orders that are with the Customs, in transit in the territory of the Republic, or overseas, such registration to be without prejudice to any other official registrations prescribed for such undertakings.

Art 47. The National Administration for the Control of Dangerous Substances shall fix the selling prices of medicaments containing controlled substances in co-ordination with the Ministry of Public Health, Industry and Commerce and the appropriate bodies.

Art 48. The Central Bank of Bolivia and the commercial bank shall require, for the sale of foreign exchange or the opening of letters of credit in connexion with licences for the importation or exportation of medicaments or raw materials containing controlled substances, the production of the certificate of registration of the applicant and the authorization issued by the National Administration for the Control of Dangerous Substances.

Art 49. Health centres, hospitals and clinics in general are required to register with the National Administration for the Control of Dangerous Substances, without prejudice to their registration with the Ministry of Public Health.

Art 50. The establishments referred to in the foregoing article shall report to the National Administration for the Control of Dangerous Substances every month particulars of their stocks of drugs containing controlled substances, and their origin, and shall keep a register duly authorized and checked by the control offices.

#### TITLE IV

##### REGIME APPLICABLE TO COCA

Art 51. Coca, being the raw material for the manufacture of cocaine in all its forms and being included in Schedule I of the International Convention on Narcotic Drugs, deserves a special control régime, taking into account the following factors:

- (a) The coca is a plant originating and traditionally established in the native parts of the country;
- (b) Coca is a product which is a source of income for some rural sectors of the country;
- (c) The coca bush and coca leaf are raw materials for the manufacture of cocaine in all its forms;
- (d) It is necessary to reduce coca cultivation gradually and to replace it by some other agricultural products.

Art 52. The sowing, cultivation, harvesting, collection, exploitation and marketing of plants of the genus "erythroxilon" (coca) and parts thereof shall be subject to control and supervision by the National Administration for the Control of Dangerous Substances.

Art 53. As from the promulgation of this Act, and within one hundred and eighty days thereof, every producer of coca leaf shall be required to register his plots with the offices of the National Administration for the Control of Dangerous Substances, subject to the penalties laid down for these cases.

Art 54. The National Administration for the Control of Dangerous Substances, through its specialized organs, shall have sole responsibility for planning the acquisition, distribution and marketing of coca leaves at home and abroad.

Art 55. Coca cultivation throughout the country shall be reduced gradually and systematically, according to a plan, and replaced by other types of production that are equally or more profitable.

Art 56. The reduction of this cultivation shall be within the responsibility of the National Administration for the Control of Dangerous Substances and shall be the subject of special regulations in co-ordination with the Ministries of Agriculture, Industry and Commerce, and Rural Affairs.



Art 57. The plan for reducing coca cultivation shall take account of the social, agricultural, industrial and economic aspects of the environment.

Art 58. The extraction, purification, crystallization and partial or complete chemical synthesis of coca and parts thereof is strictly prohibited, subject to the penalties laid down in this Act.

#### TITLE V

#### OFFENCES AND PENALTIES

Art 59. Any act or omission that contravenes the provisions of this Act shall constitute an offence.

Art 60. Persons who engage in the sowing, cultivation, harvesting, production and collection of plants or parts of plants mentioned in the first sentence of article 27 of this Act shall be liable to penalties of deprivation of freedom for a term of ten to fifteen years and a fine of 20,000 to 30,000 Bolivian pesos.

Art 61. Persons who unlawfully manufacture or process narcotics or controlled substances shall be liable to penalties of deprivation of freedom for a term of twenty to twenty-five years and a fine of 70,000 to 100,000 Bolivian pesos.

Art 62. Persons who hold or possess narcotics or controlled substances without being thereunto lawfully authorized shall be liable to penalties of deprivation of freedom for a term of ten to fifteen years and a fine of 20,000 to 30,000 Bolivian pesos.

Art 63. Persons who transfer or transport narcotics or controlled substances without being thereunto lawfully authorized shall be liable to penalties of deprivation of freedom for a term of ten to fifteen years and a fine of 20,000 to 30,000 Bolivian pesos.

Art 64. Persons who distribute or deliver narcotics or controlled substances without satisfying the requirements laid down in this Act shall be liable as traffickers to penalties of deprivation of freedom for a term of twenty to twenty-five years and a fine of 70,000 to 100,000 Bolivian pesos.

Art 65. Persons who administer narcotics or controlled substances without being thereunto lawfully authorized shall be liable to penalties of deprivation of freedom for a term of ten to fifteen years and a fine of 10,000 to 20,000 Bolivian pesos.

Art 66. Persons who form gangs, groups or clandestine associations for the purpose of sowing, cultivating, producing and harvesting the plants or parts of plants mentioned in the first sentence of article 27 of this Act, or for the purpose of manufacturing, processing or fractionating narcotics or controlled substances, shall be liable to penalties of deprivation of freedom for a term of ten to fifteen years and a fine of 20,000 to 100,000 Bolivian pesos.

Art 67. Persons who engage in the illicit traffic in narcotics and controlled substances shall be liable to penalties of deprivation of freedom for a term of twenty to twenty-five years and a fine of 50,000 to 100,000 Bolivian pesos.

Art 68. The unlawful supply by any person or persons of narcotics or controlled substances to one or more persons shall be punishable by deprivation of freedom for a term of ten to fifteen years and a fine of 10,000 to 20,000 Bolivian pesos.

Art 69. Any person who induces one or more persons to make improper use of narcotics or controlled substances shall be liable to a penalty of deprivation of freedom for a term of ten to fifteen years and a fine of 20,000 to 30,000 Bolivian pesos.

If the person induced to make such use of the said drugs or substances is a minor, the term shall be fifteen to twenty years.

Art 70. If in consequence of the improper supply of narcotics or controlled substances referred to in the foregoing article the health of the victim should suffer serious impairment or if it should tend to introduce the victim to drug addiction, the person or persons responsible shall be liable to penalties of deprivation of freedom for a term of fifteen to twenty years and a fine of 40,000 to 80,000 Bolivian pesos.

If such supply should result in death, the term of deprivation of freedom shall be twenty to twenty-five years and the fine 70,000 to 100,000 Bolivian pesos.

Art 71. Any person who supplies narcotics or controlled substances to a person with intent to kill shall be liable to the penalties prescribed in article 252 of the Penal Code, case 5.

Art 72. Owners of so-called "fumaderos" (smoking establishments) where narcotics or controlled drugs are used and consumed, shall be liable to penalties of deprivation of freedom for a term of fifteen to twenty years and a fine of 30,000 to 50,000 Bolivian pesos, without prejudice to the sequestration of the premises.

Art 73. Persons who adulterate or falsify medical prescriptions with the object of obtaining narcotics or controlled substances shall be liable to penalties of deprivation of freedom for a term of five to ten years and a fine of 5,000 to 10,000 Bolivian pesos.

Art 74. Persons who import narcotics, raw materials or medicaments containing controlled substances and who do not comply with the provisions of article 35 of this Act shall be liable to the penalty of suspension of their registration as importers for a period of six months and to a fine of 50,000 to 70,000 Bolivian pesos.

In the event of a repetition of the offence, the importer shall be struck off the register and shall be liable to penalties of deprivation of freedom for a term of ten to fifteen years.

Art 75. Importing firms, drug stores, pharmacies or commercial premises which are authorized to sell medicaments containing controlled substances and whose stocks do not conform to their inventories and registers, shall be liable to a fine of 30,000 Bolivian pesos for the first offence.

In the event of a repetition of the offence, their establishments shall be closed down permanently.

Art 76. Owners of land or premises who are aware that their land or premises are being used for the sowing, cultivation, harvesting or collection of the plants or parts of plants referred to in the first sentence of article 27 of this Act, or for the manufacture or preparation of controlled substances, and who fail to notify these facts to the National Administration for the Control of Dangerous Substances, shall be liable to penalties of deprivation of freedom for a term of one to three years.

Art 77. Owners of land or premises who let or make available in any manner whatsoever their land or premises for the sowing, cultivation and production of the plants referred to in the first sentence of article 27 of this Act, or for the manufacture, preparation or fractionation of narcotics and drugs containing controlled substances, shall be liable to penalties of deprivation of freedom for a term of ten to fifteen years, without prejudice to the confiscation of the property in question.

Art 78. Owners and/or pilots or drivers of aeroplanes, vessels and any other means of transport which carry plants or parts of plants deemed to be narcotics or drugs containing controlled substances, shall notify that fact to the National Administration for the Control of Dangerous Substances, failing which they shall be liable to the penalty of deprivation of freedom for a term of one to three years.

The foregoing provision shall be subject to the proviso that, in the case of the active participation of the person concerned as principal, accomplice or accessory in the offence of trafficking in narcotics, article 67 of this Act shall apply.

Art 79. Owners of hotels, motels, restaurants, confectioner's shops, clubs, bars, places of entertainment and other premises frequented by the public shall report to the National Administration for the Control of Dangerous Substances the presence of persons who are in possession of or holding narcotics or drugs containing controlled substances; non-compliance with this provision is punishable by the closure of the premises for a period of three months and a fine of 50,000 Bolivian pesos for the first offence.

In the event of a repetition of the offence, the penalties shall be the permanent closure of their establishment and deprivation of freedom for a term of three to five years.

Art 80. Similarly, owners of the premises referred to in the foregoing article are required to report to the National Administration for the Control of Dangerous Substances the presence of persons who use or consume narcotics or drugs containing controlled substances or who are in a state of dependence; non-compliance with this provision is punishable by the same penalties as those laid down in the foregoing article.

Art 81. The employees of the aforementioned premises who fail to comply with the obligation laid down in the two foregoing articles shall be liable to penalties of deprivation of freedom for a term of six months to one year.

In the case of a repetition of the offence, they shall be liable to deprivation of freedom for a term of one year to three years.

Art 82. The owners or employees of the public premises referred to in articles 79 and 81 who use those establishments for the purpose of trafficking in narcotics and drugs containing controlled substances shall be liable to the penalties prescribed in article 67 of this Act.

Art 83. Qualified medical practitioners, dentists and veterinary surgeons who issue prescriptions for narcotics or drugs containing controlled substances without completing the formalities laid down in article 34 of this Act shall be suspended from the exercise of their profession for a period of three months and liable to a fine of 10,000 Bolivian pesos, for the first offence.

Art 84. Qualified medical practitioners, dentists and veterinary surgeons who commit a second violation of the foregoing article shall be struck off their register and disqualified permanently from exercising their profession.

Art 85. Any practitioner who has been suspended or disqualified from exercising his profession by reason of a violation of a provision of this Act and who continues to provide medical service or care shall be liable to a penalty of deprivation of freedom for a term of one to three years.

Art 86. Owners, managers or employees of drug stores, pharmacies or commercial premises authorized to sell medicaments who supply narcotics or drugs containing controlled substances without completing the formalities laid down in article 33 of this Act shall be liable to the penalties specified below:

- (a) If the person concerned is the owner, his establishment shall be closed for a period of six months and he shall be liable to a fine of 15,000 Bolivian pesos;
- (b) If the person concerned is a manager, he shall be liable to imprisonment in the public jail for a term of six months;
- (c) If the person concerned is an employee, he shall be liable to imprisonment in the public jail for a term of three months.

Art 87. Owners, managers or employees of drug stores, pharmacies or commercial premises authorized to sell the medicaments referred to in the foregoing article, who commit a second offence, shall be liable to the penalties specified below:

- (a) If the person concerned is the owner and possesses a professional qualification, he shall be struck off the register and disqualified permanently from the exercise of the profession;
- (b) If the person concerned is the owner and does not possess a professional qualification, he shall be liable to deprivation of liberty for a term of two to five years and his establishment shall be closed permanently;
- (c) If the person concerned is a manager, he shall be permanently debarred from the exercise of his profession and liable to deprivation of freedom for a term of two to five years;
- (d) If the person concerned is an employee, he shall be liable to deprivation of freedom for a term of six months to one year.

Art 88. If the offences referred to in this Act are committed by officials responsible for the control, prevention and suppression of the illicit traffic in narcotics and controlled substances, the offenders shall be liable to the penalties prescribed in article 67 of this Act and to permanent disqualification pursuant to article 33 of the Penal Code.

Art 89. Persons who give or receive gifts, bribes or other inducements for the purpose of avoiding compliance with the rules laid down in this Act shall be liable to deprivation of freedom for a term of ten to fifteen years and a fine of 30,000 to 50,000 Bolivian pesos.

Art 90. Persons who, in the exercise of authority, take possession or dispose unlawfully of narcotics or drugs containing controlled substances which have been seized or confiscated by the National Administration for the Control of Dangerous Substances or by a competent authority shall be liable to deprivation of liberty for a term of ten to fifteen years and a fine of 50,000 to 80,000 Bolivian pesos.

Art 91. Persons who clandestinely introduce into the country narcotics or drugs containing controlled substances shall be liable to deprivation of liberty for a term of fifteen to twenty years and a fine of 20,000 to 50,000 Bolivian pesos, without prejudice to the seizure of the goods.

Art 92. In addition to the application of the penalties of deprivation of liberty and fines referred to in the foregoing articles, the court shall order the following measures:

- (a) The taking over and confiscation of the land in which the plants specified in the first sentence of article 27 of this Act have been sown and cultivated, these measures to be carried into effect by the National Administration for the Control of Dangerous Substances;
- (b) The confiscation and seizure of the premises, movables, fixtures, means of transport, vehicles, equipment, substances, raw materials and clandestine laboratories used for the preparation, processing and manufacture of narcotics and drugs containing controlled substances, these measures likewise to be carried into effect by the National Administration for the Control of Dangerous Substances.

#### TITLE VI

##### SCOPE OF APPLICATION AND JURISDICTION

Art 93. The criminal proceedings for the offences referred to in Title V of this Act shall be instituted by the public authorities.

Art 94. Inasmuch as this is a special Act which prescribes penalties for offences of a public nature that threaten the health and well-being of society, no special rights or privileges of any kind shall be recognized, and public officials at any level who have committed these offences shall not enjoy the benefit of "Caso de Corte", but shall be tried by the ordinary courts like common criminals, pursuant to the provisions of Title V.

Art 95. The preliminary proceedings and the principal proceedings shall be conducted in the departmental capitals.

Art 96. Within forty-eight hours of the completion of the judicial police formalities by the Department of Narcotics and Dangerous Drugs, the Public Prosecutor concerned with dangerous substances shall request the examining judge to hear the preliminary criminal proceedings the same day, sending all the files, together with the detainees and the evidence and the materials which, after being verified as dangerous substances, shall be deposited with the State Bank.

Art 97. PRELIMINARY PROCEEDINGS. After the case has been brought before the examining judge, the judge shall issue the appropriate court order on the same day and fix the hearing of the preliminary proceedings for the following day.

Art 98. At the commencement of the preliminary proceedings, attended by the representative of the office of the Public Prosecutor, the officials who took part in the judicial police formalities and the accused, attended by counsel for the defence, the judge shall receive the statement giving particulars of the investigation. He shall likewise receive, at the same sitting, the evidence for the prosecution and for the defence.

Art 99. If the accused persons are absent or fugitives from justice, the judge shall, after hearing the statement by the process server, declare that the formalities laid down in article 101 of the Code of Criminal Procedure have been complied with.

Art 100. After the evidence has been received, the prosecution shall present its case at the same sitting.

Art 101. On the completion of the hearing of the preliminary proceedings, the examining judge shall give a final ruling within a period of forty-eight hours.

Art 102. Within the period specified in the foregoing article, the judge shall make one of the following orders:

- (a) Dismissal order, in which case the records shall be forwarded to the Higher District Court within a period of forty-eight hours;
- (b) An order for the case to go to trial, in which event the records shall be referred to the judge dealing with the principal proceedings within a period of twenty-four hours; an appeal may be lodged, after the accused has made a statement, solely for the referral of the case to a higher court.

Art 103. THE PRINCIPAL PROCEEDINGS. The judge in the principal proceedings shall receive the deposition of the accused within twenty-four hours and the parties shall produce their evidence for the prosecution and for the defence within a period of three days. As from the commencement of the proceedings, hearings shall be held daily until concluded.

Art 104. The decisions shall be pronounced in conformity with the provisions of Book Three, Title II, articles 240, 241 and 242 of the Code of Criminal Procedure.

Art 105. No person who is charged with the commission of the offences referred to in this Act shall be eligible for the benefit of provisional release.

Minors under the age of sixteen years shall be subject to the provisions of the Code for Minors.

Art 106. In no circumstances shall the judges admit incidental pleas, challenges, interlocutory or prior questions.

Art 107. The penalties prescribed in this Act may not be reduced or remitted, since they apply to public and socially dangerous offences.

Art 108. The examining judges and prosecutors who fail to comply with the provisions concerning the preliminary proceedings shall be suspended from office by the competent Higher Court for a period of three months without pay and, in the event of a repetition of such conduct, shall be liable to removal from office and to criminal proceedings for the offence of maladministration of justice.

Art 109. Judges and prosecutors who are responsible for delays in appointing a date for and holding sittings, or for unjustified suspensions of hearings which delay the proceedings, shall be liable to the penalties laid down in article 242 of the Law concerning Judicial Organization.

Art 110. The District Courts shall be responsible for giving effect to the provisions contained in the foregoing articles.

Art 111. The decisions pronounced in the principal proceedings shall be published in the national Press by the National Administration for the Control of Dangerous Substances.

After the decision has been pronounced, the National Administration for the Control of Dangerous Substances shall arrange for the dangerous substances used in the commission of the offence to be burned in public in the presence of the appropriate authorities.

## TITLE VII

### REHABILITATION AND TREATMENT

Art 112. "Rehabilitation" means the re-adaptation to the bio-psycho-social environment of persons who consume or are addicted to narcotics or drugs containing controlled substances.

Art 113. "Consumption" is deemed to mean the periodic use of narcotics and drugs containing controlled substances which involve a danger of dependency.

Art 114. "Addiction" is a state of need induced by chronic intoxication, the characteristics of which are the following:

- (a) Anxiety or need (uncontrollable impulse to continue consuming the drug and to obtain it by all possible means);
- (b) A tendency to increase the dose progressively;
- (c) A psychological and almost always physical dependency with respect to the effects of the drug.

Art 115. Persons who use and consume improperly narcotics or drugs containing controlled substances shall undergo therapeutic treatment for disintoxication and rehabilitation, in accordance with the scientific system adopted by the Medical-Social Department of the National Administration for the Control of Dangerous Substances.

Art 116. Persons who are found to be under the influence of narcotics or drugs containing controlled substances shall be taken to a Diagnosis Centre in order that the degree of intoxication may be evaluated with a view to their treatment and rehabilitation.

Art 117. The directors of health centres, hospitals and clinics in general are required to inform the National Administration for the Control of Dangerous Substances of the diagnosis and prescribed emergency treatment within a period of forty-eight hours after any case has come to their notice, for its mandatory referral to the Medical Centres of the said Administration.

Art 118. Every person is required to report to the National Administration for the Control of Dangerous Substances the presence of any individual who appears to be under the harmful influence of narcotics or drugs containing controlled substances, with a view to that individual's subsequent treatment or rehabilitation, after the appropriate medical diagnosis.

Art 119. Addicts who resist, or show themselves reluctant to undergo, the treatment for disintoxication and rehabilitation prescribed by the medical officers of the Diagnosis Centre of the Medico-Social Department shall be committed to the Rehabilitation Centres established for this purpose.

Art 120. Medical Centres, clinics and hospitals in which there are patients undergoing treatment for disintoxication are required to inform the National Administration for the Control of Dangerous Substances about the medico-social therapy used in each case and its referral to the Medical Centres of the system.

Art 121. The National Administration for the Control of Dangerous Substances shall keep a clinical register of all forms of drug addiction, for appropriate evaluation, taking into account the periods of:

- (a) Initiation,
- (b) Addiction,
- (c) Need.

Art 122. The clinical register referred to above shall record particulars of the environmental factors, financial circumstances, degree of education, personality, family and social conduct and degree of dangerousness of the addict, for the purpose of the diagnosis of the causes of the drug addiction.

Art 123. Minors who engage in the abuse of narcotics or drugs containing controlled substances shall be placed in the charge of the Juvenile Court, subject to the appropriate reservations concerning their clinical treatment, without prejudice to the investigation of their psychological history and changes.

Art 124. The Rehabilitation Centre shall undertake the diagnosis and treatment of persons suffering from problems of drug addiction.

The Centre may admit in addition persons who consume narcotics or controlled drugs in a casual way, in order to prevent them from becoming drug addicts.



Art 125. The Rehabilitation Centres shall be situated outside city limits and shall be fully equipped with advanced modern scientific technology.

Art 126. These Rehabilitation Centres shall provide patients undergoing treatment with adequate facilities during their stay.

Art 127. Patients who are admitted to the Rehabilitation Centre in a serious state of intoxication shall be entitled to intensive therapeutic care.

Art 128. The Rehabilitation Centres shall be provided with playing fields, as well as with areas for farm work and workshops for occupational therapy, where the patient shall undergo treatment for social readjustment and rehabilitation.

Art 129. Each Rehabilitation Centre shall be in the charge of a psychiatric medical officer with specialized knowledge of the problem of drug addiction and shall be provided with specialized equipment and personnel, social workers, occupational therapists and a psychological service for studying the personality of the patients.

Art 130. The stages of rehabilitation and daily activities shall be duly scheduled, proceeding from education to workshop, farming and sports activities.

Art 131. Patients interned in the Rehabilitation Centres who have not responded to treatment shall be declared to be chronic cases, and are accordingly entitled to the system of medical attention planned by the Medico-Social Department of the National Administration for the Control of Dangerous Substances.

Art 132. The general scheme of treatment shall be characterized by social, medical, educational and moral assistance, of a continuous and dynamic type, as well as by an adequate system of health, hygiene, nutrition and discipline.

Art 133. Patients who have undergone a period of treatment with positive results and who are socially and psychologically readjusted shall remain, after rehabilitation, under the medico-social supervision of the appropriate medical service.

#### TITLE VIII

##### EDUCATIONAL MEASURES

Art 134. The National Drugs Council, in co-ordination with the educational authorities and the National Administration for the Control of Dangerous Substances, shall plan educational and preventive programmes for all levels of education outlining the basic approach to be used in explaining the motivations leading to drug addiction, as well as the harmful and dangerous nature of the use of drugs.

Art 135. The directors, teachers, managers and personnel of educational institutions of all levels are required to report to the National Administration for the Control of Dangerous Substances any cases of the improper use of narcotics or drugs containing controlled substances among the students, or any case in which students show obvious signs of drug addiction, in order that the appropriate measures of treatment may be taken.

Art 136. Educational authorities which do not comply with the provisions of the preceding article shall be liable to the penalty of suspension from their post without pay for a period of three months on the first occasion.

In the case of a repetition of the offence, they shall be liable to permanent dismissal from their post, and the appropriate proceedings shall be instituted under the provisions of the Code of Education.

Art 137. If the directors, teachers, managers and personnel of private educational institutions are foreigners and fail to comply with the provisions of article 134 of this Act, they shall, if the case has been proved, be ordered to leave the country within forty-eight hours.

Art 138. Students of any educational level who have attained the age of sixteen years and who are found in possession of narcotics or drugs containing controlled substances, whether for their personal use or for the purpose of inducing others to make improper use of such drugs, shall be placed in the charge of the Juvenile Court.

Art 139. If the students are over the age of sixteen years, they shall be required to undergo the treatment prescribed in the provisions of this Act.

#### TITLE IX

##### COMPETENT BODIES

Art 140. The following bodies are hereby established under the Ministry of the Interior, Migration and Justice:

- (a) the National Drugs Council (Consejo Nacional de La Droga);
- (b) the National Administration for the Control of Dangerous Substances (Dirección de Control de Sustancias Peligrosas).

Art 141. It shall be the responsibility of the National Drugs Council to perform the following functions:

- (a) To plan the policy for the eradication of narcotics and dangerous substances in the technical economic and social fields;
- (b) To plan educational systems for the prevention of the improper use of drugs;
- (c) To plan the system of treatment and rehabilitation;
- (d) To plan studies and programmes for the systematic reduction of coca cultivation.

Art 142. The National Drugs Council shall be composed of one representative of each of the following bodies:

- (a) Ministry of the Interior;
- (b) Ministry of Public Health and Social Welfare;
- (c) Ministry of Education and Culture;

- (d) Ministry of Agriculture;
- (e) Ministry of Rural Affairs;
- (f) University of Bolivia;
- (g) Medical College;
- (h) National Press Association and ASBORA.

Art 143. The National Drugs Council shall be presided over by the Ministry of the Interior, Migration and Justice, through the Under-Secretariat of Justice.

Art 144. The National Administration for the Control of Dangerous Substances is the only executive body responsible for implementing this Act, and for administering, controlling and supervising its operation through its various departments, with the exception of judicial matters, which shall be under the jurisdiction and competence of the ordinary courts as from the time of the institution of proceedings.

#### TITLE X

##### THE NATIONAL ADMINISTRATION FOR THE CONTROL OF DANGEROUS SUBSTANCES

Art 145. The National Administration for the Control of Dangerous Substances shall be composed of the following departments:

- (a) Department of Narcotics and Dangerous Substances;
- (b) Department of Control, Registration and Statistics;
- (c) Medico-Social Department;
- (d) Department of Education and Prevention;
- (e) Department for the Rationalization and Reduction of Coca Cultivation;
- (f) Department of Finance and Administration.

Art 146. The National Administration for the Control of Dangerous Substances shall have the following staff:

- (a) National Director,
- (b) National Inspector,
- (c) Secretary General,
- (d) Legal Advisers,
- (e) Assistants.

Art 147. The National Director for the Control of Dangerous Substances shall be appointed by Ministerial Resolution by the Minister of the Interior, Migration and Justice from among three candidates proposed by the National Drugs Council and shall fulfil the following conditions:

- (a) He must be a Bolivian national;
- (b) He must be over the age of thirty-five years;
- (c) He must be in full possession of civic rights;
- (d) He must have a Bolivian degree as a lawyer, medical practitioner or sociologist specializing in the subject;
- (e) He must not have a record of debts owed to the State, municipalities or self-governing bodies;
- (f) He must not have been the object of proceedings instituted for any criminal offence or sentenced to penalties involving deprivation of liberty.

Art 148. The National Director for the Control of Dangerous Substances shall hold office for a term of four years and may be reappointed.

Art 149. The National Director for the Control of Dangerous Substances shall, in the event of his absence for reasons of leave, sickness, official travel, vacation or retirement, be replaced by the National Inspector of the Control of Dangerous Substances.

Art 150. The functions of the National Director for the Control of Dangerous Substances shall be:

- (a) To administer and implement this Act through the various departments and divisions;
- (b) To represent the National Administration for the Control of Dangerous Substances in all official acts;
- (c) To serve as a member of the National Drugs Council;
- (d) To co-ordinate the programmes of prevention, suppression, treatment and rehabilitation connected with the illicit traffic in narcotics and controlled substances;
- (e) To plan, together with the department concerned, the rationalization and reduction of coca cultivation;
- (f) To sign agreements, conventions and contracts with national and international bodies concerning ways and means of prevention, suppression, treatment and rehabilitation in connexion with the illicit traffic in narcotics and the improper use of drugs;
- (g) To appoint commissions to carry out studies, projects and programmes concerning the drug problem;
- (h) To promote and convene congresses, courses, round-tables, seminars and training courses concerning problems of narcotics and drugs;

- (i) To arrange for the training of specialized personnel for the purpose of preventing the illicit traffic in narcotics and the improper use of drugs;
- (j) To sign the counterfoil forms of prescriptions for the issue of medicaments containing controlled substances;
- (k) To sign resolutions authorizing Bolivian laboratories to prepare medicaments containing controlled substances, and authorizing imports and exports;
- (l) To apply to international organizations, and to recommend that Bolivian diplomatic missions and authorities should make like requests, for the grant of scholarships for specialized studies concerning the control of the traffic in narcotics and controlled drugs;
- (m) To appoint the subordinate personnel of the National Administration for the Control of Dangerous Substances;
- (n) To order reports from the various departments and to ensure the efficiency of their operations;
- (o) To draw up the annual budget of the National Administration for the Control of Dangerous Substances;
- (p) To administer and schedule expenditures intended for the activities of prevention, suppression, treatment and rehabilitation, in accordance with the financial economic budget;
- (q) To invite bids by public tender for the construction of Medical Welfare Centres, and the purchase of furniture, dressing rooms, offices, laboratories and the like, stating the specifications prescribed by law;
- (r) To accept legacies, gifts, grants by persons or bodies of national or international organizations for the benefit of the National Administration for the Control of Dangerous Substances;
- (s) To draw up official reports for the judicial authorities relating to narcotics and drugs containing controlled substances;
- (t) To make orders for enforcing the recovery of fines imposed on persons who have contravened the provisions of this Act;
- (u) To conduct public relations and correspondence, and to issue instructions and service orders, circulars and communiqués;
- (v) To publish annual reports on the technical, scientific and administrative activities of the National Administration for the Control of Dangerous Substances.

Art 151. The National Director for the Control of Dangerous Substances shall, on behalf of the Administration, receive technical and financial assistance from outside sources, especially from international bodies for the control of narcotics, subject to observance of the formalities prescribed by law.

Art 152. The National Director for the Control of Dangerous Substances shall represent the country at international events and in the bodies of the International Narcotics Control Board and the Commission of Narcotic Drugs of the Economic and Social Council of the United Nations, or where appropriate, shall appoint delegates in co-ordination with the Ministry of the Interior, Migration and Justice.

Art 153. The National Inspector for the Control of Dangerous Substances shall be appointed by the National Narcotics Council from among three candidates proposed by the National Director for the Control of Dangerous Substances and shall fulfil the following conditions:

- (a) He must be a Bolivian national;
- (b) He must be over the age of thirty-five years;
- (c) He must be in full possession of civic rights;
- (d) He must be Chief of the National Public Security Guard and a graduate of the National Police Academy;
- (e) He must not have a record of debts owed to the State, municipalities or self-governing bodies;
- (f) He must not have been the object of proceedings instituted for any criminal offence or sentenced to penalties involving deprivation of liberty.

Art 154. The functions and powers of the National Inspector for the Control of Dangerous Substances shall be:

- (a) To carry out periodic inspections in the district police headquarters of the Republic and to submit detailed reports on the activities of those bodies;
- (b) To deputize for the National Director for the Control of Dangerous Substances in the event of his sickness, leave, official absence, vacation or retirement;
- (c) To inspect all the Medical Centres and supervise the activities of the various departments and divisions.

Art 155. The National Inspector for the Control of Dangerous Substances shall hold office for a personal term of four years and may be reappointed.

He may be removed from office for serious dereliction of duties or negligence in the performance of his duties, subject to a prior investigation.

## TITLE XI

### THE GENERAL SECRETARIAT DIVISION

Art 156. The General Secretariat Division shall be directed by a professional lawyer or sociologist who holds a Bolivian degree, has had at least five years' service and has an irreproachable record.

Art 157. The functions of this Division are:

- (a) To co-ordinate the activities of the National Administration for the Control of Dangerous Substances with those of the various Departments, Divisions and District Police Headquarters;
- (b) To countersign all orders made by the National Administration for the Control of Dangerous Substances;
- (c) To receive and despatch general correspondence;
- (d) To plan the public relations and information work together with the National Administration for the Control of Dangerous Substances;
- (e) To draw up specifications for public tenders and to send out notices inviting such tenders.

Art 158. The staff of the General Secretariat Division shall be appointed by the National Director for the Control of Dangerous Substances on the basis of a competitive examination.

## TITLE XII

### THE DIVISION OF LEGAL COUNSEL

Art 159. The Division of Legal Counsel shall be directed by a lawyer who holds a Bolivian degree, has exercised his profession for at least six years and has an irreproachable record.

Art 160. The Division of Legal Counsel shall be staffed by a team of lawyers and of assistants who are law students and have an irreproachable record with respect to their studies and conduct.

Art 161. It is the function of this Division to advise the National Administration for the Control of Dangerous Substances in all matters brought to its notice.

Art 162. The Division of Legal Counsel shall be responsible for administering the registry of the titles of ownership regarding the immovable and movable property and vehicles owned by the National Administration for the Control of Dangerous Substances, both in the Office of Real Property Rights and in the Transfer Office, in conjunction with the Department of National Property of the Office of the Comptroller-General of the Republic.

Art 163. In co-ordination with the various Departments of the National Administration for the Control of Dangerous Substances, the Division shall draft laws, decrees, contracts and orders for the purpose of improving the service, and shall also draw up internal regulations and circulars.

Art 164. The Division shall institute proceedings against staff members for any serious dereliction of their duties.

Art 165. The Division shall appear for the defence in any civil, penal, social or administrative proceedings, at all their levels and instances, as representative of the National Administration for the Control of Dangerous Substances.

Art 166. The Division shall suggest and prepare reports on the legislative and juridical activity of the National Administration for the Control of Dangerous Substances.

### TITLE XIII

#### THE DEPARTMENT OF NARCOTICS AND DANGEROUS SUBSTANCES

Art 167. The Department of Narcotics and Dangerous Substances shall be directed by a Chief, with the permanent assistance of a Prosecutor, and shall be composed of the following divisions:

- (a) Division of Preliminary Proceedings
- (b) Division of Operational Groups

Art 168. The Chief of the Department of Narcotics and Dangerous Substances shall be appointed by the Minister of the Interior, Migration and Justice from among three candidates proposed by the National Administration for the Control of Dangerous Substances and shall fulfil the following conditions:

- (a) He must be a Bolivian national;
- (b) He must be a member of the National Police with the rank of Chief, and a graduate of the National Police Academy;
- (c) He must not have a record of debts owed to the State and must not have stood trial on a criminal charge;
- (d) He must have an irreproachable professional record.

Art 169. The members of the Operational Groups shall be duly recruited by reason of their professional training, and shall fulfil the following conditions:

- (a) They must be Bolivian nationals;
- (b) They must be police officers, graduates of the National Police Academy, or of some like institution abroad, with not less than two years service;
- (c) They must have taken courses specializing in drugs;
- (d) They must have an irreproachable professional and family history.



Art 170. The officers selected for these duties shall be commissioned by the National Police Command upon the request of the National Administration for the Control of Dangerous Substances for the period during which their services are required.

Art 171. The duties and functions of the Department of Narcotics and Dangerous Substances, which shall be carried out through its Divisions, are:

- (a) To control the production, cultivation, harvesting, marketing, distribution, retailing, use, stocking, delivery and possession of, and the illicit traffic in, narcotics and drugs containing controlled substances;
- (b) To keep a list of persons who commit offences against this Act and a register of judicial convictions;
- (c) To obtain regular information from national and international Customs, police and judicial bodies for the purpose of evaluating criminal activities dealt with by this Act;
- (d) To organize the system for suppressing activities connected with narcotics and drugs containing controlled substances;
- (e) To confiscate, seize and take possession of any premises, movable property, means of transport, laboratories, substances and funds used by persons who engage in the traffic in narcotics and drugs containing controlled substances;
- (f) To request the co-operation of the authorities of the National Police, Customs and other institutions for the better performance of its functions;
- (g) To prosecute relentlessly persons who produce narcotics or who engage in the traffic in narcotics, and the persons financing them;
- (h) To exercise control at Customs points, frontiers and in other areas where there is evidence of illegal activities in connexion with narcotics and drugs containing controlled substances;
- (i) To bring charges and institute police proceedings against, and to place at the disposal of the ordinary courts, persons who commit the offences referred to in this Act;
- (j) To destroy the plantations referred to in the first sentence of article 27 of this Act;
- (k) To proceed, in each case, to seize the instruments and materials used in the commission of the offence, and to place them, together with the persons involved, at the disposal of the ordinary courts.

TITLE XIV

DEPARTMENT OF CONTROL, REGISTRATION AND STATISTICS

Art 172. The Department of Control, Registration and Statistics comprises the following divisions:

- (a) Control Division;
- (b) Registration Division;
- (c) Statistics Division;

Art 173. The Chief of the Department of Control, Registration and Statistics shall be appointed by the Minister of the Interior, Migration and Justice from among three candidates proposed by the National Administration for the Control of Dangerous Substances and shall fulfil the following conditions:

- (a) He must be a Bolivian national;
- (b) He must have a degree in law, medicine, statistics or statistical compilation and at least six years' professional experience;
- (c) He must not have a record of debts owed to the State;
- (d) He must be of unimpeachable conduct and have an unimpeachable record.

Art 174. The functions and duties of the Department of Control, Registration and Statistics, which shall be carried out through its divisions, are:

- (a) To control and regulate imports and exports of drugs containing dangerous substances;
- (b) To issue import and export authorizations for drugs containing controlled substances, and for the raw materials used for the production thereof, in co-ordination with the National Administration for the Control of Dangerous Substances;
- (c) Through the National Administration for the Control of Dangerous Substances, to grant licences to laboratories operating in Bolivia in order to ensure that, in the preparation of medicaments containing controlled substances in their chemical designation, the necessary ethical, pharmacological technical guarantees are observed;
- (d) To register all medical and dental practitioners, veterinary surgeons, health centres, clinics, hospitals, drug-stores, pharmacies, and commercial establishments authorized to sell medicaments, such registration to be additional to their registration with the Ministry of Public Health;
- (e) To authorize, in co-ordination with the National Administration for the Control of Dangerous Substances, the issue to medical and dental practitioners and veterinary surgeons of special, numbered counterfoil forms on which prescriptions for therapeutic use shall be made out;

- (f) To file the counterfoils returned to the National Administration for the Control of Dangerous Substances by medical and dental practitioners, veterinary surgeons, pharmacies, drug-stores and commercial establishments authorized to sell medicaments containing controlled substances;
- (g) To prepare statistical tables concerning the annual requirements for consumption of products or medicaments subject to control and to prepare annual reports both for the national authorities and for the international control bodies;
- (h) To prepare and issue reports for the judicial or official authorities concerning narcotics and drugs containing control substances;
- (i) In co-ordination with the Department of Narcotics and Dangerous Substances, to inspect, without any restrictions whatsoever, any baggage, suitcases, consignment, parcels, packets or cargoes which are carried in vessels, trains, aircraft or any other means of transport in the country, in cases brought to its notice or whenever necessary;
- (j) To establish systems for the classification and registration of all administrative documents of the National Administration for the Control of Dangerous Substances and its various departments;
- (k) To receive, for cataloguing and statistical analysis, reports from the departments and divisions and from district police headquarters concerning fluctuations in the illicit traffic in narcotics and the improper use of drugs;
- (l) To be responsible for the Registry of the National Administration for the Control of Dangerous Substances.

#### TITLE XV

#### MEDICO-SOCIAL DEPARTMENT

Art 175. The Medico-Social Department shall comprise the following divisions:

- (a) Diagnosis Centre Division;
- (b) Rehabilitation and Treatment Division;
- (c) Division for the control of pharmacies, drug-stores and commercial establishments authorized to sell medicaments containing controlled substances;
- (d) Division for the control of clinics, health centres and laboratories.

Art 176. The Chief of the Medico-Social Department shall be appointed by the Minister of the Interior, Migration and Justice from among three candidates proposed by the National Administration for the Control of Dangerous Substances and shall fulfil the following conditions:

- (a) He must be a Bolivian national;
- (b) He must have a Bolivian degree in medicine, with special qualifications in the subject, and no less than six years' professional experience;
- (c) He must not have a record of debts owed to the State and must not have stood trial on a criminal charge;
- (d) He must have an unimpeachable professional record.

Art 177. The functions and duties of the Medico-Social Department, which shall be carried out by its divisions, are:

- (a) To register drug addicts whose psychological condition is seriously impaired, whether or not they are under treatment for disintoxication and rehabilitation;
- (b) To plan treatment and rehabilitation programmes for persons suffering from drug addiction, and to establish adequate assistance centres;
- (c) To co-ordinate medical assistance projects with the Ministry of Public Health and Social Welfare for treatment and rehabilitation purposes;
- (d) To promote and sponsor technical, scientific and other programmes of research into the causes of fluctuations in drug addiction in the country;
- (e) To superintend diagnosis, treatment and rehabilitation centres and laboratories;
- (f) To issue official certificates concerning laboratory analyses of drugs containing controlled substances;
- (g) To issue certificates concerning the condition of persons undergoing disintoxication treatment;
- (h) To carry out post-rehabilitation controls;
- (i) To propose to the National Administration for the Control of Dangerous Substances the medico-social policy to be followed for the purpose of preventing the improper use of drugs;
- (j) To evaluate the results of the application of the methods of treatment and rehabilitation and the functioning of medical centres;
- (k) To submit periodic reports to the National Administration on the work of the Medico-Social Department.

TITLE XVI

DEPARTMENT OF EDUCATION AND PREVENTION

Art 178. The Department of Education and Prevention comprises:

- (a) the Division for educational plans and programmes, to draw attention to the dangers of the improper use of drugs;
- (b) the Division for prevention, to organize campaigns for drawing the attention of the public to the dangers of drug addiction.

Art 179. The Chief of the Department of Education and Prevention shall be appointed by the Minister of the Interior, Migration and Justice from among three candidates proposed by the National Administration for the Control of Dangerous Substances, and shall fulfil the following conditions:

- (a) He must be a Bolivian national;
- (b) He must have a Bolivian degree in sociology or pedagogy, ten years' professional experience and special qualifications in the subject;
- (c) He must not have a record of debts owed to the State;
- (d) He must have an unimpeachable professional record.

Art 180. The functions and duties of the Department of Education and Prevention, which shall be carried out by the said divisions, are:

- (a) To make proposals to the National Administration for the Control of Dangerous Substances for the planning, in co-ordination with the Ministries of Education and Public Health, of systematic programmes for preventing the use of narcotics and drugs containing controlled substances;
- (b) To carry out prevention work by means of publicity campaigns, using all media of information and withholding from the public any information about methods of preparing products containing controlled substances that originate from plants which may be used for the manufacture of dangerous drugs, such information being reserved for the exclusive use of the authorities concerned;
- (c) To participate, in co-ordination with the competent authorities, in the censorship of films or publications the influence of which may be harmful;
- (d) To assist persons who are in danger of using and consuming drugs.

TITLE XVII

DEPARTMENT FOR THE RATIONALIZATION OF COCA CULTIVATION

Art 181. The Department for the Rationalization of Coca Cultivation shall comprise the following divisions:

- (a) Division for the registration and control of the production and acquisition of coca;
- (b) Division for planning the gradual reduction of coca cultivation and its replacement by other crops;
- (c) Pilot Centres (Yungas-Chapare) Division.

Art 182. The Chief of the Department for the Rationalization of Coca Cultivation shall be appointed by the Minister of the Interior, Migration and Justice from among three candidates proposed by the National Administration for the Control of Dangerous Substances and shall fulfil the following conditions:

- (a) He must be a Bolivian national;
- (b) He must have a Bolivian degree in agricultural engineering, with experience in sociology and rural development programmes;
- (c) He must not have a record of debts owed to the State;
- (d) He must have an unimpeachable professional record and be of irreproachable integrity.

Art 183. The Department for the Rationalization of Coca Cultivation shall carry out its functions through the divisions mentioned in article 180 of this Act and its duties shall be:

- (a) To register and control, and maintain statistics of, the production of coca;
- (b) To give directions concerning the control and supervision of the sowing, cultivation, gathering, harvesting and marketing of plants of the genus "erythroxilon" (coca);
- (c) To organize, direct and plan the system of work in the pilot centres (Yungas-Chapare);
- (d) To prepare socio-economic studies in each of the coca producing areas;
- (e) To undertake agro-economic research into the replacement of coca by other products;
- (f) To plan, in co-ordination with the Ministries of Agriculture and Rural Affairs, through the National Administration for the Control of Dangerous Substances, the gradual reduction of coca;

- (g) To produce, and to distribute among the communities of the area, selected varieties of plants and animals for breeding;
- (h) To promote the economic, technical and social development of the rural communities in the areas that are diversifying away from coca cultivation;
- (i) To report periodically on the progress of the programme to the National Administration for the Control of Dangerous Substances and to the national authorities;
- (j) To make suggestions concerning the appointment of its technical and administrative staff in accordance with the needs of the service;
- (k) The Pilot Centres shall be under the supervision of the Chief of Department;
- (l) To promote the organization of co-operatives for the production of new substitutes.

Art 184. The persons responsible for the staff of the Pilot Centres (Yungas-Chapare) shall be agricultural engineers with experience in semi-tropical farming problems.

Art 185. The National Administration for the Control of Dangerous Substances shall appoint the technical, administrative and auxiliary staff of all departments under its control, on the suggestion of the Chiefs of the departments concerned and in accordance with the needs of the service.

#### TITLE XVIII

##### DEPARTMENT OF FINANCE AND ADMINISTRATION

Art 186. The Department of Finance and Administration shall comprise the following divisions:

- (a) Audit Division;
- (b) Personnel and Records Division;
- (c) Maintenance and Property Division.

Art 187. The Chief of the Department of Finance and Administration shall be appointed by the Minister of the Interior, Migration and Justice and shall fulfil the following conditions:

- (a) He must be a Bolivian national;
- (b) He must have a Bolivian degree in economics or administration and at least six years' professional experience;
- (c) He must not have a record of debts owed to the State;
- (d) He must be of unimpeachable conduct and have an unimpeachable professional record.

Art 188. The functions and the duties of the Department of Finance and Administration, which shall be carried out by its divisions, are:

- (a) To conduct the financial and administrative operations of the National Administration for the Control of Dangerous Substances and its various departments;
- (b) To keep the inventory of the immovable and movable property, vehicles and equipment of all the departments, including the Health Centres;
- (c) To prepare the draft budget for the National Administration for the Control of Dangerous Substances and its various departments, in co-ordination with the said Administration;
- (d) To prepare the balance sheets and accounts of all economic and financial operations of the National Administration for the Control of Dangerous Substances;
- (e) Through the Division of Legal Counsel, to take action for enforcing the payment of fines imposed on persons who commit offences against this Act;
- (f) To maintain the register of the staff of the entire service, with particulars of grades and records of service;
- (g) To supply and equip all departments with all they need, in accordance with the budget;
- (h) To make suggestions concerning the appointment of professional accountants, book-keepers and the necessary auxiliary staff;
- (i) To establish adequate systems for checking staff attendance throughout the service;
- (j) To institute investigatory proceedings against officials of the National Administration for the Control of Dangerous Substances and its various departments, in co-ordination with the Division of Legal Counsel, in cases of serious dereliction of functions;
- (k) To submit reports and suggestions concerning the promotion of officials and employees of the service;
- (l) To grant leaves of absence and vacations, in co-ordination with the National Administration for the Control of Dangerous Substances, in conformity with the Legislative Decree of 17 August 1973 which governs the national system of personnel and administrative career.



TITLE XIX

INTERNATIONAL AGREEMENTS

Art 189. By means of this Act and subject to legislative approval, all parts of the Convention on Psychotropic Substances signed at Vienna on 21 February 1971 and the Single Convention on Narcotic Drugs, 1961, as amended by the Protocol of the International Narcotics Control Board at Geneva in 1972, are approved.

Art 190. For the purposes of this Act, the provisions issued by the international narcotics control bodies and by the International Narcotics Control Board established pursuant to article 9 of the Single Convention on Narcotic Drugs, 1961, and by the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations are hereby recognized as effective.

TRANSITIONAL PROVISIONS

First: The National Administration for the Control of Dangerous Substances and its various departments shall be organized in their entirety within ninety days from the promulgation of this Act, for which purpose the appropriate allocations will be made in the 1974 budget.

Second: The provisions of Titles V and VI of this Act shall be applied from the day of its promulgation and shall affect:

- (a) cases now pending concerning which a final decision has not been given, in conformity with the Code of Criminal Procedure in force;
- (b) proceedings commenced after its entry into force, even though the offences were committed before its entry into force.

Third: The Committee to draft the National Act for the Control of Dangerous Substances shall remain in being for a period of one year in order to co-operate in the organization of the National Drugs Council and the National Administration for the Control of Dangerous Substances.

Fourth: The Narcotic Drugs Act of 10 January 1962, 2/ article 217 of the existing Penal Code and any provisions inconsistent with the present Act are repealed.

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2/ Note by the Secretariat: E/NL.1962/11.

ANNEX TO THE NATIONAL ACT FOR THE CONTROL OF DANGEROUS SUBSTANCES  
(including narcotics and psychotropic substances)

SCHEDULE I

Acetylmethadol 3/  
Acetorphine  
Alphacetylmethadol  
Alphameprodine  
Alphamethadol  
Alphaprodine  
Allylprodine  
Anileridine  
Benzethidine  
Benzylmorphine  
Betacetylmethadol  
Betameprodine  
Betamethadol  
Betaprodine  
Bezitramide  
Cannabis and cannabis resin  
Clonitazene  
Cocaine \*/  
Codoxime  
Concentrate of poppy straw (the material arising when poppy straw has entered into a process for the concentration of its alkaloids, when such material is made available in trade) \*\*/  
Desomorphine  
Dextromoramide  
Diampromide  
Diethylthiambutene  
Dihydromorphine

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\*/ Under article 1, paragraph 2, of the 1931 Convention, preparations made directly from coca leaf and having a cocaine content in excess of 0.1 per cent were formerly deemed to be "cocaine" preparations. However, under the provisions of the 1961 Convention, these substances will, for the purpose of the establishment of estimates and statistics, be deemed henceforth to be preparations of coca leaves.

\*\*/ According to the provisions of the 1931 Convention, concentrate of poppy straw was formerly deemed to be "morphine". However, under the provisions of the 1961 Convention, concentrate of poppy straw will, for the purpose of the establishment of estimates and statistics be deemed henceforth to be a separate narcotic.

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

Dimepheptanol  
Dimenoxadol  
Dimethylthiambutene  
Dioxaphetyl butyrate  
Diphenoxylate  
Dipipanone  
Ecgonine, esters and derivatives which are convertible to ecgonine and cocaine  
Ethylmethylthiambutene  
Etonitazene  
Etorphine  
Etoxadine  
Fentanyl  
Furethidine  
Heroin (diacetylmorphine)  
Hydromorphanol  
Hydromorphone  
Hydroxypethidine  
Isomethadone  
Levomethorphan \*\*\*/  
Levomoramide  
Levophenacymorphan  
Levorphanol \*\*\*/  
Metazocine  
Methadone  
Methadone intermediate  
Methyldesorphine  
Methyldihydromorphone  
Metopon  
Moramide intermediate  
Morpheridine  
Morphine \*\*\*\*/  
Morphine methobromide and other pentavalent nitrogen morphine derivatives,  
including in particular, derivatives of Morphine-N-oxide, one of  
which is Codeine-N-oxide.  
Morphine-N-oxide  
Myrophine

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\*\*\*/ Dextromethorphan ((+) - 3 - methoxy-N-methylmorphinan) and  
dextrorphan ((+) - 3 - Hydroxy-N-methylmorphinan) are specifically excluded from  
this Schedule.

\*\*\*\*/ Under article 1, paragraph 2, of the 1931 Convention, preparations  
of opium containing more than 20 per cent of morphine and made directly from  
opium were formerly deemed to be preparations of "morphine". However, under  
the provisions of the 1961 Convention, for the purposes of estimates and  
statistics, all preparations made directly from opium are to be deemed to be  
opium (preparations). If the preparations are not made directly from opium,  
but are obtained by mixing opium alkaloids (as happens, for example, in the  
case of Pantopon, Omnopon and Papaveretum) they must continue to be regarded  
as preparations of "morphine".

Nicodicodine  
Nicomorphine  
Noracymethadol  
Norlevorphanol  
Normethadone  
Normorphine  
Norpipanone  
Opium \*\*\*\*  
Oxycodone  
Oxymorphone  
Pethidine  
Pethidine, intermediate A  
Pethidine, intermediate B  
Pethidine, intermediate C  
Phenadoxone  
Phenampramide  
Phenazocine  
Phenomorphin  
Phenoperidine  
Piminodine  
Piritramide  
Proheptazine  
Properidine  
Racemethorphan  
Racemoramide  
Racemorphan  
Thebacon  
Thebaine  
Trimeperidine

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

The esters and ethers, unless appearing in another Schedule, of the drugs in this Schedule whenever the existence of such esters or ethers is possible.

The salts of the drugs listed in this Schedule, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

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\*\*\*\*/ Under article 1, paragraph 2, of the 1931 Convention, preparations of opium containing more than 20 per cent of morphine and made directly from opium were formerly deemed to be preparations of "morphine". However, under the provisions of the 1961 Convention, for the purposes of estimates and statistics, all preparations made directly from opium are to be deemed to be opium (preparations). If the preparations are not made directly from opium, but are obtained by mixing opium alkaloids (as happens, for example, in the case of Pantopon, Omnopon and Papaveretum) they must continue to be regarded as preparations of "morphine".

PSYCHOTROPIC SUBSTANCES

DET  
DMHP  
DMT  
PARAHEXIL  
STP - DOM

NOTE - To Schedule I should be added everything meant by psychodysleptic drugs in the following order:

Psychodysleptic drugs	(	Tetrahydrocannabinols and their isomers
	(	Mescaline
	(	Cannabiol (Cannabis indica)
	(	Banisterine Harmine
	(	Lysergic Acid Diethylamide (LSD 25)
	(	Bufotenine
	(	Diethyltryptamine
	(	<u>Psilocybine</u>

SCHEDULE II

Acetyldihydrocodeine  
Codeine (3 - methylmorphine)  
Dihydrocodeine  
Ethylmorphine (3 - ethylmorphine)  
Nicocodine  
Norcodeine  
Pholcodine  
Propiram

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

The salts of the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

SCHEDULE III

1. Preparations of:

Acetyldihydrocodeine,  
Codeine,  
Dihydrocodeine,  
Ethylmorphine,  
Norcodeine, and  
Pholcodine

when compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

2. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

3. Preparations of diphenoxylate containing not more than 2.5 milligrammes of diphenoxylate calculated as base and not less than 25 microgrammes of atropine sulphate per dosage unit.

4. Pulvis ipecacuanhae et opii compositus

10 per cent opium in powder

10 per cent ipecacuanha root, in the powder well mixed with

80 per cent of any other powdered ingredient containing no drugs.

5. Preparations conforming to any of the formulae listed in this Schedule and mixtures of such preparations with any material which contains no drug.

PSYCHOTROPIC MEDICAMENTS

Psycholeptics	Hypnotics	( Barbital
		( Phenobarbital
		( Aprobarbital
		( Mephobarbital
		( Amobarbital
		( Allobarbital
	Neuroleptics	( Pentobarbital
		( Cyclobarbital
		( Hexobarbital
		( Thialbarbital
		( Chlorpromazine
		( Promazine
Classical tranquillizers (passiflora derivatives)	( Methopromazine	
	( Levomepromazine	
	( Prochlorpemazine	
	( Thioridazine	
	( Acepromazine	
	( Perphenazine	
	( Deserpidine	
	( Reserpine	
	( Rescinnamine	
	( Butirophenone	
	( Mephenesin	
	( Meproamate	
	( Methylpentynol	
	( Azacyclonol	
	( Hydroxyzine	
	( Benactyzine	
	( Captodiame	

PSYCHOTROPIC SUBSTANCES

DET  
DMHP  
DMT  
PARAHEXIL  
STP - DOM

NOTE - To Schedule I should be added everything meant by psychodysleptic drugs in the following order:

	( Tetrahydrocannabinols and their isomers
	( Mescaline
	( Cannabiol (Cannabis indica)
Psychodysleptic	( Banisterine Harmine
drugs	( Lysergic Acid Diethylamide (LSD 25)
	( Bufotenine
	( Diethyltryptamine
	( <u>Psilocybine</u>

SCHEDULE II

Acetyldihydrocodeine  
Codeine (3 - methylmorphine)  
Dihydrocodeine  
Ethylmorphine ( 3 - ethylmorphine)  
Nicocodine  
Norcodeine  
Pholcodine  
Propiram

The isomers, unless specifically excepted, of the drugs in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.

The salts of the drugs listed in this Schedule, including the salts of the isomers as provided above whenever the existence of such salts is possible.

SCHEDULE III

1. Preparations of:

Acetyldihydrocodeine,  
Codeine,  
Dihydrocodeine,  
Ethylmorphine,  
Norcodeine, and  
Pholcodine

when compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

2. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

3. Preparations of diphenoxylate containing not more than 2.5 milligrammes of diphenoxylate calculated as base and not less than 25 microgrammes of atropine sulphate per dosage unit.

4. Pulvis ipecacuanhae et opii compositus

- 10 per cent opium in powder
- 10 per cent ipecacuanha root, in the powder well mixed with
- 80 per cent of any other powdered ingredient containing no drugs.

5. Preparations conforming to any of the formulae listed in this Schedule and mixtures of such preparations with any material which contains no drug.

PSYCHOTROPIC MEDICAMENTS

Psycholeptics	Hypnotics	( Barbitol
		( Phenobarbital
		( Aprobarbital
		( Mephobarbital
		( Amobarbital
		( Allobarbital
		( Pentobarbital
	Neuroleptics	( Cyclobarbital
		( Hexobarbital
		( Thialbarbital
		( Chlorpromazine
		( Promazine
		( Methopromazine
		( Levomepromazine
	Classical tranquillizers (passiflora derivatives)	( Prochlorperazine
( Thioridazine		
( Acepromazine		
( Perphenazine		
( Deserpidine		
	( Reserpine	
	( Rescinnamine	
	( Butirophenone	
	( Mephenesin	
	( Meproamate	
	( Methylpentynol	
	( Azacyclonol	
	( Hydroxyzine	
	( Benactyzine	
	( Captodiame	



Psychoanaleptic drugs	( Caffeine	( Adrenaline
	( Picrotoxin	( Noradrenaline
	( Amino	( Sinegrine
	(     sympatho-	( Pholedrine
	(     mimetics	( Ephedrine
	( Pipradrol	( Amphetamine
	( Oxazine	( Methamphetamine
	( Bemegrade	( Dextramphetamine
		( Monoamine oxidase
		(     inhibitors (MAOI)
	( Antidepressants	( Imipramine
		( Desipramine
		( Amitriptyline
		( Nortriptyline

NOTE: Since the medicaments in Schedule III are of therapeutic use, both at the preparation and at the treatment stage, they must remain under control in conformity with the terms of the Single Convention.

SCHEDULE IV

The salts of all the drugs in Schedule IV, whenever the formation of such salts is possible.

- Cannabis and its resin
- Desomorphine (dihydrodeoxymorphine)
- Heroin (diacetylmorphine)
- Ketobemidone

NOTE: Schedules I, II, III and IV have been revised and corrected from the scientific point of view by Dr. Mario Ibañez, National Director of Pharmacies and Dr. Nils Noya Tapia, co-opted member of the National Commission for the Control of Dangerous Substances in his capacity as psychiatric medical officer.

Schedules I, II, III and IV include the narcotics and psychotropic substances which are subject to control.