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LAWS AND REGULATIONS

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

BRAZIL

Communicated by the Government of Brazil

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

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"Diario Oficial"
17 May 1958

Ministry of Foreign Affairs
Administrative Department

MINISTERIAL ORDER OF 12 MAY 1958

The Minister for Foreign Affairs, in accordance with Legislative Decree No. 891 of 25 November 1938, hereby approves the new Regulations of the National Commission for the Control of Narcotic Drugs, annexed hereto, which replace the Regulations of 10 June 1939 published in the Official Gazette of 22 June 1939.

REGULATIONS OF THE NATIONAL COMMISSION FOR THE CONTROL OF NARCOTIC DRUGS

CHAPTER I: Purposes of the National Commission for the Control of Narcotic Drugs.

CHAPTER II: Organization and membership of the National Commission for the Control of Narcotic Drugs.

CHAPTER I

PURPOSES OF THE NATIONAL COMMISSION FOR THE CONTROL OF NARCOTIC DRUGS

Article 1.

The purpose of the National Commission for the Control of Narcotic Drugs, which is under the direct authority of the Ministry of Foreign Affairs, shall be to secure the co-operation of all the bodies responsible for controlling trade in, and use of, narcotic drugs and for preventing illicit traffic in, and use of, such drugs.

Article 2.

The National Commission for the Control of Narcotic Drugs is the consultative organ of the Ministry of Foreign Affairs and the Ministry of Health, responsible for advising the Government in all matters connected with its relations with the Permanent Central Opium Board, the United Nations and other authorities or entities, whether domestic, foreign or international, for ensuring full implementation of Legislative Decree No. 891 of 25 November 1938 and of the provisions of international conventions, and for such other functions as may be considered advisable.

Article 3.

The National Commission for the Control of Narcotic Drugs shall ensure the faithful observance of all laws, decrees, decisions, instructions and other provisions relating to

narcotic drugs and shall have all the functions deriving from the general purposes for which it was set up.

Article 4.

The federal and state authorities responsible for controlling trade in, and use of, narcotic drugs, and the State Commissions for the Control of Narcotic Drugs, are required to notify the National Commission for the Control of Narcotic Drugs of all measures of a general character taken for the performance of their functions.

Article 5.

The National Commission for the Control of Narcotic Drugs shall transmit directly to the National Medical Control Service of the National Health Department and to the Morals and Entertainments Section of the Federal Public Security Service, as its executive organs, any documentation from domestic, foreign or international authorities or entities relating to the trade in, or use of, narcotic drugs; the said National Medical Control Service and the Morals and Entertainments Section shall proceed in the same manner in their relations with the National Commission for the Control of Narcotic Drugs.

Article 6.

The National Commission for the Control of Narcotic Drugs shall transmit, through the Ministry of Foreign Affairs, instructions to Brazilian Consular representatives abroad for the implementation of the provisions of Legislative Decree No. 891 of 25 November 1938 concerning the importation of narcotic drugs.

Article 7.

Narcotic drugs of therapeutic value seized in any part of Brazil in consequence of violation of the provisions of Legislative Decree No. 891 of 25 November 1938 shall be consigned by the competent authority at the place of seizure to the National Medical Control Service, which shall enter them as an addition to Government stocks and may issue them for therapeutic use by public and private hospitals and institutions which provide free medical attention, reporting such action to the National Commission for the Control of Narcotic Drugs. These consignments of drugs shall be subject to the same precautions as the imports of narcotic drugs referred to by Legislative Decree No. 891 of 25 November 1938.

Sole paragraph. All cannabis sativa seized by the police authorities shall be consigned to the National, State and Territorial Commissions for the Control of Narcotic Drugs, which shall incinerate the drug and report accordingly.

Article 8.

The National Commission for the Control of Narcotic Drugs shall establish the State and Territorial Commissions for the Control of Narcotic Drugs in accordance with the provisions of Article 45, and its sole paragraph, of Legislative Decree No. 891 of 25 November 1938; these Commissions shall be under the direct authority of the National Commission.

Article 9.

The National Commission for the Control of Narcotic Drugs and the State and Territorial Commissions for the Control of Narcotic Drugs shall be entitled to free use of postal, telegraph and radio-telegraph services throughout Brazil for all purposes connected with their functions and activities.

CHAPTER II

ORGANIZATION AND MEMBERSHIP OF THE NATIONAL COMMISSION
FOR THE CONTROL OF NARCOTIC DRUGS

Article 10.

The National Commission for the Control of Narcotic Drugs shall consist of the Director of the National Health Department, a representative of the Army Director-General of Health, a representative of the Naval Director of Health, a representative of the Ministry of Justice and Internal Affairs, a representative of the Ministry of Labour, Industry and Trade, the Chief of the International Instruments, Congresses and Conferences Division of the Ministry of Foreign Affairs, the Director of the National Medical Control Service of the Ministry of Health, the

Chief of the Morals and Entertainments Section of the Federal Public Security Service, a member designated by the Customs Inspector of Rio de Janeiro, a representative of the Agricultural Chemistry Institute of the Ministry of Agriculture, a representative of a clinical establishment specializing in the treatment of drug addiction, and an official of the Ministry of Foreign Affairs who shall act as Secretary.

Paragraph 1. The National Commission for the Control of Narcotic Drugs may, whenever it sees fit, invite any federal or state official, through the Ministry of Foreign Affairs, to participate in its work without prejudice to the functions in question.

Paragraph 2. The members of the National Commission for the Control of Narcotic Drugs shall be appointed by Order of the Ministry of Foreign Affairs.

Paragraph 3. The Commission shall annually elect one of its members as Chairman. In the absence of the Chairman, the Chair shall be taken by the senior member of the Commission.

Article 11.

The International Instruments, Congresses and Conferences Division of the Ministry of Foreign Affairs, the National Medical Control Service of the National Health Department, the Morals and Entertainments Section of the Federal Public Security Service and the Rio de Janeiro Customs Department shall act, each within its own competence, as the executive bodies responsible for implementing the decisions taken by the National Commission for the Control of Narcotic Drugs and the provisions of Legislative Decree No. 891 of 25 November 1938.

Article 12.

The National Commission for the Control of Narcotic Drugs shall hold regular meetings on the first and third Thursdays of each month in the premises of the International Instruments, Congresses and Conferences Division of the Ministry of Foreign Affairs, each of its members being entitled to a per diem allowance for each meeting attended.

Sole paragraph. The Chairman of the National Commission for the Control of Narcotic Drugs shall convene special meetings when they are found necessary for the performance of the Commission's functions.

Article 13.

The Chairman of the National Commission for the Control of Narcotic Drugs shall be empowered to take all the necessary measures for the performance of the Commission's functions, either on his own initiative or on the suggestion of the other members of the Commission; to this end, he may deal directly with all administrative authorities.

Article 14.

The Secretary of the National Commission for the Control of Narcotic Drugs shall draw up minutes of its meetings and be responsible for co-ordinating information and statistics collected in Brazil concerning commercial transactions and violations of the provisions of Legislative Decree No. 891 of 25 November 1938, for purposes of communication to, and exchange with, domestic (federal and state), foreign and international authorities. He shall also be responsible for keeping an account of expenditure under the section of the Ministry of Foreign Affairs' budget reserved for general expenses of the National Commission for the Control of Narcotic Drugs.

Article 15.

At meetings of the National Commission for the Control of Narcotic Drugs, decisions of a general character may only be taken by a majority of at least two-thirds of the members present.

Article 16.

Cases not expressly dealt with in these Regulations or which give rise to doubt shall be settled by the National Commission for the Control of Narcotic Drugs, which shall make suggestions to the Minister for Foreign Affairs concerning the need to amplify, rescind or depart from any of the provisions of these Regulations, which shall come into force throughout the territory of Brazil on the date of their publication.

Article 17.

Any provisions which conflict with these Regulations are hereby rescinded.

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MINISTERIAL ORDER OF 12 MAY 1958

The Minister for Foreign Affairs, in accordance with Legislative Decree No. 891 of 25 November 1938, hereby approves the Regulations for the State and Territorial Commissions for the Control of Narcotic Drugs, annexed hereto, which have been drawn up by the National Commission for the Control of Narcotic Drugs to replace the Regulations of 25 March 1942 of the State Commissions for the Control of Narcotic Drugs published in the Official Gazette of 27 March 1942.

REGULATIONS OF THE STATE AND TERRITORIAL COMMISSIONS FOR THE CONTROL OF NARCOTIC DRUGS

The National Commission for the Control of Narcotic Drugs, in accordance with Article 8 of its Regulations, has decided to set up the State and Territorial Commissions for the Control of Narcotic Drugs as follows:

Article 1.

The State Commissions for the Control of Narcotic Drugs shall consist of the Director of the State Health Department, the Chief of the Public Security Service or his representative, the State Attorney ("Procurador Regional da Republica"), a representative of the National Health Department, a representative of the medical profession of the State Capital and the Director of the State Medical Control Service.

Paragraph 1. The Director of the State Health Department shall be Chairman of the Commission, which shall be appointed by an order made by the Chairman of the National Commission for the Control of Narcotic Drugs.

Paragraph 2. The representative of the National Health Department to serve on the Commission, who shall be designated by the Director-General of that Department, and the representative of the medical profession of the State Capital, who shall be chosen from a tripartite list submitted to the National Commission by the Director of the State Health Department, shall be appointed by an Order made by the Chairman of the National Commission for the Control of Narcotic Drugs.

Paragraph 3. The other members shall be appointed and notified of their appointment to the Commission by an Order made by the Chairman of the State Commission for the Control of Narcotic Drugs.

Paragraph 4. The Chairman of the Commission may, whenever he considers it advisable, invite any federal, state or municipal official to participate in the Commission's work without prejudice to the functions in question.

Paragraph 5. The Director of the Medical Control Service of the State Health Department shall act as Secretary to the Commission.

Paragraph 6. In the absence of the Chairman, his place shall automatically be taken by the representative of the National Health Department or, failing the latter, by the senior member of the Commission.

Article 2.

The State Commissions for the Control of Narcotic Drugs shall be required to hold one regular meeting every month on a day and at the place designated by the Chairman, who shall also convene special meetings when necessary.

Article 3.

It shall be the duty of the Chairman faithfully to implement and ensure the observance of the provisions of all laws, decrees, decisions and instructions concerning narcotic drugs, especially as regards the functions deriving from the general purposes for which the State Commissions were set up.

Article 4.

The Chairman shall, either on his own initiative or on the proposal of the Commission, take the measures necessary for carrying out the Commission's functions; to this end, he may deal directly with all administrative authorities.

Article 5.

The Chairman shall immediately inform the National Commission for the Control of Narcotic Drugs of the organization and membership of the Commission, of any changes therein, and of decisions of a general character taken for the performance of the Commission's functions.

Sole paragraph. The Chairman shall send the National Commission for the Control of Narcotic Drugs, each month, a copy of the records of meetings held and, on 15 January each year, a report on the Commission's activities drawn up in accordance with the model supplied by the National Commission for the Control of Narcotic Drugs.

Article 6.

The Secretary shall draw up the minutes of meetings and, for purposes of the Commission's relations with national authorities, shall be responsible for co-ordinating information and statistics concerning commercial transactions and violations of the provisions of Legislative Decree No. 891 of 25 November 1938.

Article 7.

The representative of the National Health Department shall send the Director-General of that Department, each month, a detailed report on the work done at the meetings.

Sole paragraph. The Director of the National Health Department shall send a copy of the above-mentioned report to the National Commission for the Control of Narcotic Drugs.

Article 8.

The Chairman shall apply to the State Government for the funds needed to cover the cost of the Commission's supplies and operations and the payment to which its members are entitled for their attendance at meetings.

Article 9.

The Chairman shall, for matters connected with the functions and activities of the Commission, be entitled to free use of postal, telegraph and radio-telegraph services throughout Brazil by virtue of article 46 of Legislative Decree No. 891 of 25 November 1938.

Article 10.

The Commission for the Control of Narcotic Drugs in the Federal Territories shall be governed by the present Regulations in so far as they are applicable.