



UNITED NATIONS

E/NL. 1969/18-19

12 November 1969

ENGLISH ONLY

LAWS AND REGULATIONS

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

BRAZIL

Communicated by the Government of Brazil

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.

INDEX

	Page
E/NL.1969/18 Legislative Decree No.385 of 26 December 1968 to amend Article 281 of the Penal Code	1
E/NL.1969/19 Decree No. 62.391 of 12 March 1968 providing for the supervision in laboratories of the production of toxic substances and narcotic drugs, the distribution of samples of these products and other measures	3

E/NL.1969/18

LEGISLATIVE DECREE NO. 385 OF 26 DECEMBER 1968 TO AMEND ARTICLE 281 OF THE PENAL CODE

The President of the Republic, in the exercise of the powers vested in him by article 2, paragraph 1, of "Institutional Act" No.5 of 13 December 1968, hereby decrees;

Article 1. Article 281 of the Penal Code (Legislative Decree No. 2,848 of 7 December 1940), as amended by Act No. 4,451 of 4 November 1964, shall enter into force, drafted as follows:

**TRADE IN, POSSESSION OF OR FACILITATING THE USE OF NARCOTIC DRUGS
OR ANY SUBSTANCES WHICH MAY CAUSE PHYSICAL OR PSYCHICAL ADDICTION.**

"Art. 281. The import or export, preparation, production, sale, exhibition for sale, supply, even if free of charge, storing, transport, carrying upon the person, safe-keeping, administering or delivery, in any form whatsoever, for purposes of consumption, of any narcotic substance or any substance which may cause physical or psychical addiction, without authorization or in contravention of legal regulating provisions":

Penalty: rigorous imprisonment for from one to five years and a fine of from ten to fifty times the highest minimum wage in force in the country.

RAW MATERIALS OR PLANTS INTENDED FOR THE PREPARATION OF NARCOTIC DRUGS
OR ANY SUBSTANCES WHICH MAY CAUSE PHYSICAL OR PSYCHICAL ADDICTION

(1) A person shall be liable to the same penalties if he unlawfully:

- I. Imports exports, sells or exhibits for sale, supplies, even if free of charge, transports, carries upon his person or keeps in store or under his care raw materials intended for the preparation of narcotic drugs or any substance which may cause physical or psychical addiction;
- II. Cultivates or harvests plants intended for the preparation of narcotic drugs or any substance which may cause physical or psychical addiction;
- III. Carries on his person, for his own consumption, a narcotic drug or any substance which may cause physical or psychical addiction.

Special Provision (2). If the person guilty of the offence is a pharmacist, medical practitioner, dentist or veterinary surgeon:

Penalty: rigorous imprisonment for from two to eight years and a fine of from 20 to 50 times the highest minimum wage in force in the country.

Legal Prescription (3). If a medical practitioner or a dentist prescribes a narcotic drug or a substance which may cause physical or psychical addiction for other than therapeutic purposes or in doses obviously greater than is necessary or in contravention of the legal provisions and regulations.

Penalty: Imprisonment for from six months to two years and a fine of from 10 to 30 times the highest minimum wage in force in the country.

(4) A person shall be liable to the penalties laid down in the preceding paragraph if he:

INDUCEMENT TO CONSUME A NARCOTIC DRUG OR SUBSTANCE WHICH MAY CAUSE
PHYSICAL OR PSYCHICAL ADDICTION

- I. Incites or induces another person to use a narcotic drug or a substance which may cause physical or psychical addiction;

PLACE INTENDED FOR THE USE OF A NARCOTIC DRUG OR A SUBSTANCE
WHICH MAY CAUSE PHYSICAL OR PSYCHICAL ADDICTION

- II. Uses a place of which he is the proprietor, or which he occupies, manages or controls, or consents to its use by another person, even if free of charge, for the unlawful use of a narcotic drug or a substance which may cause physical or psychical addiction;

ENCOURAGEMENT OR EXTENSION OF THE USE OF NARCOTIC DRUGS OR ANY
SUBSTANCE WHICH MAY CAUSE PHYSICAL OR PSYCHICAL ADDICTION

- III. Is in any way a party to the encouragement or extension of the use of narcotic drugs or a substance which may cause physical or psychical addiction.

Increased penalty

(5) Penalties shall be increased by one-third if the narcotic drug or substance which may cause physical or psychical addiction is sold, administered, supplied or prescribed to a person under the age of sixteen years.

E/NL.1969/19

DECREE NO. 62.391 OF 12 MARCH 1968

PROVIDING FOR THE SUPERVISION IN LABORATORIES OF THE PRODUCTION OF
TOXIC SUBSTANCES AND NARCOTIC DRUGS, THE DISTRIBUTION OF SAMPLES
OF THESE PRODUCTS AND OTHER MEASURES

The President of the Republic, in the exercise of the powers vested in him by article 83, paragraph II of the Constitution, hereby decrees:

Article 1. Without prejudice to the supervision exercised by the competent departments of the Ministry of Health, the Service for the Suppression of Toxic Substances and Narcotic Drugs of the Federal Police Department shall also be responsible for the supervision of laboratories which produce narcotic drugs or substances which may cause physical or psychical addiction and control the production thereof, including the distribution of samples to medical practitioners and dental surgeons.

Article 2. The laboratories which produce the substances referred to in the preceding article shall submit to the Service for the Suppression of Toxic Substances and Narcotic Drugs of the Federal Police Department, on request, a monthly report concerning the said products, stating:

- I. the minimum number of units produced;
- II. a list of the establishments to which they were supplied, specifying the quantities sold;
- III. a return of the samples distributed, together with the names and addresses of the medical practitioners, dental surgeons or veterinary surgeons who received them and the quantities delivered to them.

Article 3. The products referred to in this Decree shall be sold exclusively to establishments duly authorized by the National Medical and Pharmaceutical Control Service.

Article 4. The Service for the Suppression of Toxic Substances and Narcotic Drugs of the Federal Police Department shall be entitled to apply directly to the laboratories, with a view to technical investigation by the police, for samples of products subject to control in accordance with the laws, regulations or orders as being toxic substances or narcotic drugs or substances which may cause physical or psychical addiction.

Article 5. In addition to the control exercised by the public health and customs authorities, the import, export and transit of the substances referred to in this Decree, shall be subject, for purposes of clearance, to inspection by the Federal police authorities.

Article 6. This Decree shall come into force on the date of its publication, all provisions to the contrary being hereby repealed.

Brasilia, 12 March 1968, 147th year of Independence and 80th year of the Republic.

A. Costa e Silva

Luis Antonio da Gama e Silva