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LAWS AND REGULATIONS

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

DOMINICAN REPUBLIC

Communicated by the Government of the Dominican Republic

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 text.

THE NATIONAL CONGRESS IN THE NAME OF THE REPUBLIC
HAS ENACTED THE FOLLOWING LAW:

NARCOTIC DRUGS ACT

ACT No. 168

Chapter I

DEFINITIONS

Art. 1. For the purposes of this Act, illicit-drug users shall be classified in three categories:

(a) Occasional drug takers (aficionados);

(b) Habitual drug takers (habituados);

(c) Addicts.

An occasional drug taker is a person who is beginning to use drugs but has not formed the habit.

A habitual drug taker is a person who depends psychologically on the drug.

A drug addict is a person whose psychological and physical dependence on the drug is prejudicial to public morality, health, safety and well-being, or who is so dependent on the use of narcotic drugs that he has no control over his addiction.

Art. 2. Persons engaged in the illicit drug trade shall be classified in the following categories:

(a) Distributors or vendors;

(b) Intermediaries;

(c) Traffickers;

(d) Backers.

I. A distributor or vendor is a person who actually carries out the operation of selling to the user.

II. An intermediary is a person who establishes the contact between a user and a distributor or between a distributor and a trafficker.

III. A trafficker is a person who deals in illicit drugs in quantities which cannot be sold retail.

IV. A backer is a person who finances illicit drug trafficking, directs such operations, supplies transport equipment or provides any other means of facilitating illicit traffic.

Art. 3. Where marihuana is concerned, the seriousness of a case shall be determined by the quantity seized or involved in the operation.

I. If the quantity does not exceed 25 grammes, the case shall be considered one of simple possession; if it is more than 25 grammes and less than 500 grammes the offender shall be classified as a distributor or vendor; and if it exceeds 500 grammes, the offender shall be considered a trafficker.

Art. 4. When the illicit drug seized or involved in the operation is not marihuana, the seriousness of each case shall be determined according to the following scale:

I. If the quantity of the drug does not exceed 20 milligrammes the case shall be considered one of simple possession; if it is more than 20 and less than 250 milligrammes, the offender shall be classified as a distributor or vendor; if the quantity exceeds 250 milligrammes, the offender shall be considered a trafficker.

II. Pharmaceutical products shall be excepted, provided they have not been adulterated.

III. Where LSD or any other hallucinogenic substance in whatever quantity is concerned, the offender shall be considered a trafficker.

Chapter II

NARCOTIC DRUGS

Art. 5. The following substances shall be deemed to be narcotic drugs for the purposes of the present Act.

(a) Opium in all its forms;

(b) All derivatives of opium (alkaloids, salts, compounds, preparations and synthetic substitutes);

(c) Coca (Erythroxylon Coca);

(d) Cocaine and its derivatives and synthetic substitutes and any compound of which cocaine is the basic component;

(e) All the plants of the family cannabinaceae and products derived therefrom which possess narcotic or stimulant properties (such as cannabis indica, cannabis sativa, marihuana and other plants possessing similar properties);

(f) PETHIDINE[1/] and its salts (adolens, algil, alodan, antiduol, biphenal, centralgin, demerol, dispadol, dodonal, dolantal, dolantin, delantol, dolaren, dolarenil,

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

dolarin, dolatol, dolental, dolestine, dolinal, dolisan, dolisina, dolopethin, dolor, dolosal, dolosil, dolsin, dolvanol, eudolat, felidin, gratidina, isonipecaine, mefedina, meperidin, mephedine, pantalgine, piridosal, precedyl, sauteralgyl, simesalgina, spasmedal, spasmoxine, suppolosal); 1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester [Properidine][2/] and its salts (gevelina, spasmo-dolisina); the other esters of 1-methyl-4-phenylpiperidine-4-carboxylic acid [Pethidine intermediate C] and their salts; 1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carboxylic acid ethyl ester [Hydroxypethidine] and its salts (bemidone, hydroxypethidine);

(g) KETOBEMIDONE and its salts (cliradone, ketogan, ketogin);

(h) ALPHAPRODINE and its salts (nisentil, nisintil, prisiliden); (betaprodine) and its salts;

(i) BETAMEPRODINE and its salts; [Proheptazine] and its salts;

(j) METHADONE and its salts (adanon, adolan, algidon, algolysin, algoxale, amidone, butalgin, depridol, diaminon, dianone, dolafin, dolamid, dolasona, dolophine, dolorex, dorexol, heptadol, heptadon, heptanal, heptanon, hes, Hoechst 10820, ketalgin, levadon, mecodin, mepecton, mephenon, miadone, moheptan, physeptone, polamidon, quotidine, sin-algin, spasmo-algolysin, symoron, turanone);

(k) ISOMETHADONE and its salts (isoamidone); (alphamethadol) and its salts; (betamethadol) and its salts; (acetylmethadol) and its salts; (alphacetylmethadol) and its salts; (dipipanone) and its salts;

(l) PHENADOXONE and its salts (hepagin, heptalgin, heptalin, heptazone, heptone); (normethadone) and its salts;

(m) RACEMORPHAN and its salts (cetarin, methorphinan);

(n) LEVORPHANOL and its salts (dromoran, levo-dromoran); RACEMETHORPHAN and its salts;

(o) LEVOMETHORPHAN and its salts;

(p) DIMETHYLTHIAMBUTENE and its salts (cobatone, ohton, chiquitone, takatone);

(q) DIETHYLTHIAMBUTENE and its salts (themalon);

(r) ETHYLMETHYLTHIAMBUTENE and its salts; Dihydrocodeine and its salts (codhydrine, hydrocodeine, novicodina, paracodeine); Acetyldihydrocodeine and its salts (acetylcodone); 4-dimethylamino-3-methyl-1, 2-diphenyl-2-propionoxybutane [propoxyphene] and its salts;

(s) AMPHETAMINES. I. The Minister of Public Health and Welfare may, by a decision which shall be published in a periodical having national circulation and in the "Gaceta Oficial", add to this list any other drug having properties similar to those of the aforesaid drugs.

2/ Note by the Secretariat: The words in square brackets have been inserted by the Secretariat.

II. When a pharmaceutical product on sale is being used, not for medical purposes but indiscriminately, and this becomes known, the Minister of Public Health and Welfare shall, at the request of the National Police, be empowered and have the duty to control its sale by medical prescription in accordance with article 5 indented paragraph I, of this Act.

III. The following drugs or medicaments may be dispensed on medical prescription: barbiturates, tranquillizers, hypnotics, anti-depressants, anti-psychotics, anti-epileptics, as well as any other drug or medicament having a similar effect.

Chapter III

IMPORT, MANUFACTURE AND SALE

Art. 6. A class "A" certificate must be obtained for the import of all narcotic drugs, preparations of such drugs and patent medicines containing such drugs. Such drugs, preparations and patent medicines must be delivered, sold or distributed only as medicaments and not with intent to circumvent the provisions of this Act. It is understood that these preparations shall not include de-cocainized coca leaves or preparations thereof.

Art. 7. Narcotic drugs imported, manufactured or traded in under a class "A" certificate may be handled only by the chief pharmacist of the establishment covered by the certificate.

Art. 8. Any person who has one or more laboratories or establishments for the manufacture, distribution or sale of narcotic drugs must obtain a class "A" or class "C" registration certificate, according to the type of establishment, and employ for each laboratory or establishment a licensed pharmacist registered with the Ministry of Public Health and Welfare.

Art. 9. The sale of patent medicines for internal use shall not be subject to the control provided for in this Act if the products concerned contain not more than 0.06 g of CODEINE (methylmorphine), 0.06 g of hydrocodone (dihydrocodeinone), 0.06 g of papaverine, 0.06 g of oxycodone (dihydroxycodeinone), 0.06 g of DIONINE (ethylmorphine hydrochloride) per 30 cc (weight or volume), or the same quantity of any derivative of the said drugs, which must be combined with other ingredients. The sale of salves, poultices and liniments for external use only shall also be permitted if they contain not more than 0.12 g of opium per 30 g (weight or volume). Such preparations must contain an ingredient which renders them unsuitable for internal use.

The patent medicines referred to in this article, and the aforesaid salves, poultices and liniments, shall not be sold except on the prescription of a medical practitioner.

Art. 10. The narcotic drugs referred to in article 5 of this Act shall not be sold, exchanged, distributed, given or otherwise transferred except by means of an order written on a form provided for the purpose by the Department of Internal Revenue and made out to a person or body to whom the said drug is sold, transferred in exchange, distributed, given or otherwise transferred.

The written order shall be made out in duplicate on the said form and, if accepted, shall be kept for two (2) years by the person accepting it, so that it can be easily inspected by any duly authorized authority, agent or employee of the Government.

Art. 11. The foregoing provisions shall not apply to cases in which any of the narcotic drugs referred to in article 5 of this Act have been sold, distributed, given, or otherwise transferred on prescription signed by a medical practitioner, dentist or veterinary surgeon

duly authorized by the Ministry of Public Health and Welfare, provided that the quantity does not exceed that indicated in the CODEX MEDICAMENTARIUS of the French pharmacopoeia as the maximum dose during a 12-hour period.

Art. 12. A person or body dealing in narcotic drugs may not sell, give, distribute or otherwise transfer the narcotic drugs specified in a prescription issued by a medical practitioner, dentist or veterinary surgeon unless the prescription contains the following particulars:

(a) the first name, surname, age and address of the patient;

(b) the identity card number of the patient, if he is required by law to possess one, or that of the person requesting the professional services in question;

(c) the designation and quantity of each narcotic drug, written out in words, prescribed for a 12-hour period (the amount shall not exceed that indicated as the maximum dose by the Codex Medicamentarius of the French pharmacopoeia);

(d) the first name, surname, address and identity card number of the practitioner, the serial number of the class "B" narcotic drugs certificate and the date of the prescription;

(e) the place of issue of the prescription;

(f) on the back of the prescription, the first name, surname, identity card number and address of the person to whom the prescribed drugs are to be delivered, if that person is not the patient for whom they were prescribed.

Any person applying for any certificates in the category covered by article 20 of this Act, must fulfil the following requirements:

(a) He shall not have been found guilty or sentenced for any crime or serious offence;

(b) No criminal action shall have been brought against him nor any sentence passed for infringement of the legal provisions concerning narcotic drugs; he must present a certificate of non-delinquency;

(c) He shall be not less than 18 years of age;

(d) The premises in which the substances are to be stored shall be adequately secure and properly equipped;

(e) The establishment of the applicant shall be protected by the internal revenue licence and other legal documents necessary for its operation.

Art. 13. Any person or body filling a prescription made out by a medical practitioner, dentist or veterinary surgeon shall keep the prescription for two (2) years from the date on which the prescription is filled, so that it can be easily inspected by any authority, agent or employee authorized by the Ministry of Public Health and Welfare.

Art. 14. Importers of any narcotic drug or patent medicine containing any of the narcotic drugs referred to in article 5 of this Act, including exempted drugs, shall make written application to the Ministry of Public Health and Welfare for a licence, to be issued on a printed form prepared for the purpose, which shall contain the following particulars:

(a) the name and address of the manufacturer or importer and the number of his narcotic drugs registration certificate;

(b) the designation and quantity of the narcotic drug, or of the preparation containing the drug it is desired to import;

(c) the capacity and type of container (tin, bottle or other similar container);

(d) the serial number of the import order;

(e) the name of the body which will sell the narcotic drugs in question and the place and country of origin;

(f) the means by which the products will be shipped;

(g) the period of validity of the licence, stated in days;

(h) in the case of patent medicines, the registration number.

The certificate shall be prepared in quadruplicate and distributed as follows: one to the importer for transmission to the exporting firm; one to the narcotic drugs control authority of the exporting country; one to the Customs collector and one to the archives of the Ministry of Public Health and Welfare.

Art. 15. Licences for the import of narcotic drugs or patent medicines containing narcotic drugs shall be valid until 31 December of the year in which they are issued.

If the imported narcotic drugs do not arrive within the period of validity of the licence, the applicant shall so inform the Ministry of Public Health and Welfare in order to obtain a new licence.

Art. 16. All sellers of narcotic drugs shall be notified of the cancelled numbers of lost forms, and the sale or distribution of narcotic drugs requested by means of such a cancelled form shall constitute a violation of this Act.

Art. 17. Every person who sells, supplies or distributes at retail any of the drugs referred to in article 5 of this Act shall, without prejudice to the exceptions provided for herein, affix a label on the outside of the container stating clearly the name and address of the person or body selling, supplying or distributing the drug, the name and address of the practitioner who prescribed it and the date of sale, the name of the person for whom it was prescribed and the serial number of the prescription.

The provisions of this article shall not apply to the sale of any of the above-mentioned narcotic drugs by manufacturers or wholesale dealers duly authorized by the Ministry of Public Health and Social Assistance.

Art. 18. Manufacturers and sellers shall keep a record of any losses in the weight or volume of narcotic drugs caused by atmospheric action and notify the Ministry of Public Health and Welfare immediately upon the discovery thereof.

Art. 19. A detailed record of individual sales, or of each use made, shall not be required in the case of the narcotic drugs exempted under article 9 of this Act.

Chapter IV

REGISTRATION AND CERTIFICATES

Art. 20. There shall be three classes of narcotic drugs registration certificates: classes "A", "B" and "C".

Class "A": certificates for the import of, manufacture of, or trade in, narcotic drugs.

I. Class "A" certificates shall be required for all official or private pharmacies open to the public or functioning in hospitals, clinics, homes and similar institutions.

II. Application for Class "A" certificates must be made and signed by authorized chief pharmacists who are registered for the practice of their profession. The holder of a Class "A" certificate may also import patent medicines for which a Class "C" certificate is required.

Class "B": certificates authorizing the holder to prescribe or administer narcotic drugs. These certificates shall be compulsory for medical practitioners, dentists and veterinary surgeons who are legally authorized to practise their professions and are registered accordingly.

Class "C": certificates which only authorize the import of patent medicines containing a maximum of 0.06 g of CODEINE (methylmorphine), 0.06 of DIONINE (ethylmorphine hydrochloride) per 30 cc of vehicle (weight or volume) or the same quantity of any derivatives thereof, which must be mixed with other ingredients, and also salves, poultices and liniments for external use only containing a maximum of 0.12 g of opium per 30 g (weight or volume). These preparations must contain an ingredient which renders them unsuitable for internal use.

III. Class "C" certificates shall be issued to any person, body, firm or company duly authorized by the Ministry of Public Health and Social Assistance.

Art. 21. The following fees shall be payable for narcotic drugs registration certificates:

Class "A": RD $ 6 (six pesos) in legal tender;

Class "B": RD $ 3 (three pesos) in legal tender;

Class "C": RD $10 (ten pesos) in legal tender.

Art. 22. The registration certificates shall indicate the serial number under which they were entered at the Ministry of Public Health and Welfare, the name, address and occupation of the person to whom they are issued and, in the case of class "A" and class "C" certificates, the name and address of the establishment.

Art. 23. Registration certificates shall be valid during the year in which they are issued and shall expire on 31 December of that year.

Art. 24. Registration certificates must be conspicuously posted at the place of business or laboratory of the person or body in whose favour they are issued.

Art. 25. The registration certificates shall be non-transferable and may be revoked by the Ministry of Public Health and Welfare for good cause at any time.

Art. 26. If the chief pharmacist is changed during the year for which a class "A" registration certificate is issued, the retiring chief pharmacist, the new chief pharmacist and the owner of the establishment must advise the Ministry of Public Health and Welfare in writing accordingly.

Art. 27. Application for narcotic drugs registration certificates shall be made to the Ministry of Public Health and Welfare after payment of the aforesaid fees to the local internal revenue office, and the original revenue office receipt shall be attached. If the application is approved, the Ministry of Public Health and Welfare shall issue the certificate and send it to the person concerned.

Art. 28. If the ownership of an enterprise changes, the owner must return unused forms for the sale of drugs to the Ministry of Public Health and Welfare.

Art. 29. The narcotic drugs registration certificate of any person who has been convicted of a violation of this Act shall be cancelled by the Ministry of Public Health and Welfare.

Chapter V

PROHIBITIONS

Art. 30. It shall be prohibited to import, manufacture, prepare, sell, prescribe, distribute, give or possess any of the narcotic drugs referred to in article 5 of this Act without an appropriate certificate issued by the Ministry of Public Health and Welfare.

The following may handle narcotic drugs without obtaining the class "A" certificate required under this Act:

(a) employees of the Ministry of Public Health and Welfare who are responsible for the storage of narcotic drugs in the course of duty;

(b) persons and enterprises carrying or conveying narcotic drugs from the stores of the Ministry of Public Health and Welfare with the written authorization of the Minister of Public Health and Welfare.

Art. 31. No person or body dealing in narcotic drugs may sell, give or otherwise transfer, on prescription by a medical practitioner, dentist or veterinary surgeon, any narcotic drug in an amount in excess of that indicated in the CODEX MEDICAMENTARIUS of the French pharmacopoeia as the maximum dose for a twelve (12) hour period.

Art. 32. In hospitals and clinics, injections containing any of the narcotic drugs referred to in article 5 of this Act shall preferably be administered by the prescribing practitioner or, if he is unable to administer them on account of special circumstances, by the nun in attendance, if any, or, failing her, by a nurse, who must return the empty ampoule (or the ampoule with its contents if not used) to the prescribing practitioner.

At places other than hospitals and clinics, injections containing narcotic drugs may only be administered by duly authorized practitioners, or by graduate or licensed nurses.

Art. 33. Medical practitioners, dentists and veterinary surgeons holding a class "B" certificate authorizing them to prescribe or administer narcotic drugs may keep in their emergency kit up to two ampoules of the drugs referred to in article 5 (f) of this Act, and these shall be replaceable by means of a prescription made out in the name of the person to whom the drug was administered.

Art. 34. Medicaments containing narcotic drugs for use in injections may only be prescribed in the form of ampoules.

The use of solutions containing narcotic drugs for injection is prohibited.

Art. 35. In hospitals and clinics, the assistance director or the person designated by the director shall be responsible for the control of narcotic drugs.

Art. 36. The import and the manufacture of the narcotic drug known as DIACETYLMORPHINE (HEROIN) are prohibited.

Art. 37. The filling of any order for narcotic drugs shall be prohibited unless the name of the registered officinal or other preparation and the quantity of the drug which it contains are stated in the sale form.

Art. 38. No pharmacist or chief pharmacist shall sell to any person any pharmaceutical product in commercial quantities, or in quantities exceeding those normally prescribed by a medical practitioner, unless that person possesses an appropriate certificate or licence to make such purchases.

Art. 39. The use of any type of oral or witten publicity, or of any medium whatever, to encourage the illicit use of drugs is prohibited.

Chapter VI

COUNTERFOIL BOOKS

Art. 40. Internal revenue counterfoil books for the purchase and sale of narcotic drugs may be handled only by a person or establishment holding a class "A" registration certificate, and purchase orders may be signed only by pharmacists of establishments dealing in narcotic drugs which hold the appropriate registration certificate. The signing of such orders by any person other than the chief pharmacist shall constitute a violation of this Act.

Art. 41. A person or body to whom the internal revenue counterfoil books for the purchase of narcotic drugs referred to in article 5 of this Act are issued shall be responsible therefor, and in the event of their loss shall be accountable to the Ministry of Public Health and Welfare and to the competent collector of internal revenue. Failure to observe these requirements shall constitute a violation of this Act.

In the event of the loss of the counterfoil books aforesaid, the collector of internal revenue shall cancel the numbers of the lost forms and shall immediately advise the Ministry of Public Health and Welfare.

Art. 42. The Department of Internal Revenue shall arrange for the preparation and supply to all internal revenue collectors of official counterfoil forms for these orders numbered serially in duplicate, and bound in books or blocks, together with copy paper for use between the original and the duplicate.

Art. 43. The blocks or books shall be sold by the collectors of internal revenue, at a price, to be fixed by the Director-General of Internal Revenue, which shall not exceed RD$ 2.00 for 100 sheets, to any person duly registered in accordance with the provisions of this Act.

Art. 44. The collectors of internal revenue shall keep a permanent register of the numbers of the forms sold and of the names and addresses of purchasers. When the forms are sold, the collector of internal revenue shall have the name and registration number of the purchaser entered on each form; the forms may not be used for the purpose of obtaining narcotic drugs except by the person whose name, address and registration number appear on the form.

Art. 45. Any pharmacist, when preparing an officinal narcotic preparation, shall make out an order on the appropriate form for the issue to himself of the total amount of narcotic drugs used, stating the designation and the quantity of the officinal preparations for which the said drugs are required, and shall submit a written application requesting the attendance of a representative of the Ministry of Public Health and Welfare. The original copy of such orders shall be filed in the manner prescribed in article 10 of this Act, and the duplicate copy shall be sent to the Ministry of Public Health and Welfare.

Art. 46. The Director-General of Internal Revenue, with the approval of the Minister of Finance, shall prepare and cause to be issued all the types of forms required under this Act.

Chapter VII

SPECIAL PROVISIONS

Art. 47. All medical practitioners, dentists and veterinary surgeons holding a class "B" registration certificate shall write their prescriptions in ink and in quadruplicate on counterfoil books used exclusively for the prescription of narcotic drugs bearing in print the name of the practitioner, duly numbered and stamped by the Ministry of Public Health and Welfare, and containing the following particulars:

(a) the first name, surname and identity card number of the practitioner;

(b) his academic title;

(c) his office address; and

(d) the number of his class "B" registration certificate.

I. In case of absolute necessity the above particulars may be written clearly and precisely on unstamped paper, provided that the prescription is replaced by the official prescription form within a period not exceeding 48 hours.

II. If the handwritten prescription is not replaced by the official prescription form within the specified time-limit, the pharmacist shall request its replacement. If the medical practitioner, dentist or veterinary surgeon concerned does not comply with the request, the pharmacist shall advise the Ministry of Public Health and Welfare accordingly.

III. In the event of the loss of a counterfoil book or part thereof, the practitioner shall notify the Ministry of Public Health and Welfare.

IV. Any prescription issued under this Act shall be issued in quadruplicate, the original and duplicate being given to the dispensing pharmacy, which shall send the duplicate to the Ministry of Public Health and Social Assistance within five days of receiving it; the triplicate shall be kept by the user or patient and the quadruplicate shall be kept by the prescribing practitioner, who shall surrender the counterfoil book (after all sheets have been used) to the Ministry of Public Health and Welfare. The prescription shall bear the following particulars:

(a) the first name, surname and address of the issuing practitioner;

(b) the first name, surname, identity card number, age and address of the patient.

Immediately on completion of the selling operation, the forms shall be cancelled with a rubber stamp bearing the words: Cancelled or Filled. These prescriptions shall not be filled for any person under 18 years of age.

Art. 48. In hospitals, prescriptions for medicaments containing narcotic drugs shall be made out in a book with numbered pages used exclusively for this purpose, in which particulars of the name and number of the room and the name, age and identity card number of the patient shall be entered. The books shall be kept for two years from the last entry therein.

Art. 49. Veterinary surgeons shall keep a register of the names, addresses and identity card numbers of animal-owners.

Art. 50. To be able to prescribe any of the narcotic drugs referred to in article 5 of this Act, a medical practitioner, dentist or veterinary surgeon must have performed a physical examination of the person or animal for whom or for which the prescription is issued. The issue of such a prescription without previous physical examination of the person or animal shall constitute a violation of this Act.

Art. 51. If any person, by request, entreaty, threat, deceit or by any method other than that expressly provided for herein, obtains or attempts to obtain from a medical practitioner, dentist or veterinary surgeon a prescription containing narcotic drugs, he shall be liable, on conviction by the competent court, to the penalty specified in article 68 of this Act.

Art. 52. Every medical practitioner shall notify the Ministry of Public Health and Welfare of:

(a) any case of drug addiction which comes to his knowledge in the practice of his profession, immediately upon becoming aware of it;

(b) any case of drug addiction treated by him, specifying the method of treatment used and the quantities of drug administered.

Art. 53. If a medical practitioner finds it necessary to administer to a drug addict, or to a patient the nature of whose illness requires it, a dose of a narcotic drug in excess of that specified in this Act, he shall promptly notify the Ministry of Public Health and Welfare and in addition submit to it a weekly report on the matter to enable the Ministry, if the latter considers it appropriate, to order an investigation by officials designated by it for the purpose of ascertaining whether or not the excessive use of the drug is justified.

Art. 54. The Minister of Public Health and Welfare may order any person suffering from addiction to a narcotic drug to be committed to a State hospital until completely cured, such committal to be without prejudice to the penalty applicable by reason of the violation of the provisions of this Act.

Art. 55. Any prescription containing narcotic drugs must be filled not later than one day after being made out by the practitioner.

Art. 56. Prescriptions containing narcotic drugs may not be repeated, nor may they be copied without being cancelled, unless they are rubber-stamped with the wording "This prescription has been filled"; repeats or copies must be filed separately and may be numbered serially with the other prescriptions.

Art. 57. Pharmacists shall keep a registration book in which they shall enter receipts and sales of narcotic drugs and shall submit a monthly report to the Ministry of Public Health and Welfare on the movement of such drugs, in the manner prescribed by the Ministry.

Art. 58. If the container of any narcotic drug is broken, and the drug, if in solid form, is affected in any way, or, if in liquid form, is spilt, the pharmacist shall request the attendance of a representative of the Ministry of Public Health and Welfare for the purpose of attesting to the breakage; the said representative shall prepare an attestation and submit it to the Ministry.

Art. 59. The industrial production, and the preparation, import or export, transport, distribution in any form, purchase, possession, medical prescription, use and consumption of, and the trade in, and in general any act relating to the trade in, or supply of, narcotic drugs or derivatives thereof, or any product deemed to be a narcotic drug, shall be subject to the provisions of the relevant international treaties and conventions to which the Dominican Republic is a Party and to the provisions of this Act.

Art. 60. The sowing, cultivation or harvesting in the Dominican Republic of any plant or species from which narcotic drugs or components thereof can be extracted shall be prohibited. Lands which are used for this type of cultivation shall be confiscated by sentence of the competent court along with any properties intended to be used for such purposes, provided that it is established that the owners of such properties were the authors of the deed or that it was done with their knowledge.

Art. 61. Narcotic drugs may be prescribed only by duly registered medical practitioners, veterinary surgeons and dentists, who must comply with the appropriate regulations.

Art. 62. No person may import, distribute, sell, prescribe or make a gift of any of the narcotic drugs mentioned in article 5 or any other having similar properties which is covered by this Act or its supplementary provisions.

Art. 63. All prescriptions issued by medical practitioners, dentists, or veterinary surgeons in accordance with this Act must be filled in the pharmacies of the locality where they are issued, or, if there is no authorized pharmacy in the locality, at the nearest such pharmacy.

Art. 64. In order to facilitate the exercise of the powers, functions and duties set out in this Act with reference to the Ministry of Public Health and Welfare, the owners or managers of enterprises and establishments engaged in the import, manufacture, packing, storing, distribution and sale of narcotic drugs shall supply any samples requested from them, allow the Minister and all officials and employees of the Ministry of Public Health and Welfare duly authorized by him free access to their premises and permit inspection of installations, machinery, workshops, equipment, apparatus, vehicles and stock.

I. Samples shall be taken against receipt and against sealed duplicate samples. The Minister of Public Health and Welfare, or any official or employee of the Ministry of Public Health and Welfare duly authorized by him, may obtain from the customs such samples as they require for examination.

II. The Minister of Public Health and Welfare may request the competent judicial authorities to search any house or establishment if there is reason to suspect that acts are being committed therein in contravention of the provisions of this Act. The search shall be conducted in the presence of an official of the Ministry of Public Health and Welfare.

Art. 65. Narcotic drugs and narcotic substances in general may not be imported into the country except through the port of Santo Domingo, capital of the Dominican Republic, and may not be used or traded in save under the provisions and subject to the prohibitions set forth in this Act.

Art. 66. Persons arriving in the territory of the Republic, by whatever means of transport, or visiting a ship calling at a Dominican port, may not import any pharmaceutical products, even if intended for personal use, without the authorization of the Ministry of Public Health and Welfare; and unless this authorization is produced, the customs authorities shall not release the product in question to its owners or consignees.

If a person arriving in the country is suspected of possessing narcotic drugs, the customs or immigration authorities shall hold that person and search him, the search to be carried out in the presence of an official of the Ministry of Public Health and Welfare.

Art. 67. All narcotic drugs imported into the country shall be delivered by the Customs Office of Santo Domingo to the Ministry of Public Health and Welfare against the latter's receipt (a duplicate of which shall be given to the importer concerned), and stored in the premises intended for this purpose. This delivery shall take place after the importer has paid the duties applicable and shall be made to an official or employee of the Ministry especially authorized in writing by the Minister of Public Health and Welfare to accept the drugs and to place them in storage as aforementioned in conformity with the provisions of this Act.

The Ministry of Public Health and Welfare shall keep the drugs in its storage premises and shall release to the persons concerned, on their direction in writing, the quantities they need for their sales or use over a period of approximately 30 days in the course of the normal business of their establishments. The direction in writing shall specify the names and addresses of the persons for whom the narcotic drugs thus withdrawn are intended.

Chapter VIII

PENALTIES

Art. 68. When the case concerns Simple Possession, the offence shall be punishable by a fine of not less than RD$ 300 or more than RD$ 1,000, or a term of imprisonment of not less than six months or more than one year, or both.

I. When the drug seized or concerned in the case falls within the DISTRIBUTOR or VENDOR category, the penalty shall be a fine of not less than RD$ 500 or more than RD$ 5,000, and a term of imprisonment of not less than two (2) or more than five (5) years.

II. When the drug seized or concerned in the case is deemed to be in the TRAFFICKER category, the penalty shall be a fine of not less than RD$ 10,000 or more than RD$ 50,000, and a term of imprisonment of not less than three (3) or more than ten (10) years with hard labour.

III. A BACKER shall be liable to the same penalties as a trafficker.

IV. INTERMEDIARIES shall be liable to the same penalties as DISTRIBUTORS and VENDORS.

Art. 69. In every case, accomplices shall be liable to the immediately lower penalty.

Art. 70. Any attempt to commit a criminal offence under this Act shall be subject to the same penalty as the offence itself.

Art. 71. The illegal holding or possession of any pharmaceutical product covered by this Act shall be punishable by the penalty laid down for SIMPLE POSSESSION.

Art. 72. Any person who, for illegal purposes, employs the services of a minor (under 18 years of age) in the transportation, manufacture, distribution, sale, delivery or receipt of any of the substances referred to in article 5 of this Act shall incur a penalty of not less than six (6) months or more than two (2) years of imprisonment, or a fine of not less than RD$ 300 or more than RD$ 1,000, or both.

Sale of the products listed in article 5, indented paragraph III, of this Act without the appropriate medical prescription shall be punishable by the penalty indicated in article 68.

Art. 73. Recidivism shall be punishable with the maximum penalty imposable for the type of offence committed.

In the case of recidivism by a trafficker or backer, the penalty shall be doubled.

Art. 74. In no case shall the fine imposed be less than the value of the drug seized or involved in the case.

Art. 75. If any medical practitioner, dentist, pharmacist or veterinary surgeon in any way fraudulently prescribes or dispenses narcotic drugs by using fictitious names or real names of persons who do not require the said drugs, he shall be liable to a fine of not less than RD$ 1,000 or more than RD$ 10,000, or to imprisonment for a term of not less than one (1) or more than five (5) years, or to both, and in addition he shall be barred from the exercise of his profession by the Supreme Court of Justice at the formal request of the Minister for Public Health and Welfare.

The proceeds from fines imposed for offences under this Act shall be used proportionally for improving the Anti-Narcotics Department of the National Police and any institution responsible for the rehabilitation of addicts.

Art. 76. In all cases, the sentence shall order, in addition to the appropriate penalties, the confiscation and destruction of the narcotic drugs and dangerous substances, as well as the seizure of apparatus and equipment, documents, books, microfilm formulae, magnetic tapes, or information used or intended for use.

Also seized shall be motorized and non-motorized vehicles, including draught animals, and craft or aircraft, which are used or intended for use in transporting or in any way facilitating the transportation, sale, receipt, possession or concealment of ownership of narcotic drugs or dangerous substances when the quantity thereof falls within the trafficking category, provided that the owner or person in charge was aware of such use.

Chapter IX

CONCLUSION

Art. 77. For the purposes of this Act, the Act instituting the procedure of provisional release on bail shall not apply when opium, morphine, heroin, cocaine, marihuana or any hallucinogenic substance is involved.

In other cases, release shall be granted on payment of bail in accordance with article 5 of the Act Concerning Provisional Release on Bail, provided that the amount deposited shall not be less than RD$ 25,000, and that the person involved is not a recidivist.

Art. 78. Any person convicted of an offence against this Act and the relevant legal instruments, whether he is a distributor, vendor, intermediary, backer or trafficker, shall not be given the benefit of extenuating circumstances, as provided for in article 463 of the Penal Code.

Art. 79. The courts with jurisdiction to try offences under this Act shall be the Courts of First Instance.

Art. 80. Apart from the authorities mentioned in this Act, the National Police shall be responsible for ensuring that its provisions are faithfully observed.

Art. 81. This Act repeals and supersedes Narcotic Drugs Regulation No. 8204, of 5 June 1962, and Act No. 392 of 22 September 1972 amending them, as well as all Acts or legislative provisions which conflict with its provisions.

DONE in the Assembly Hall of the Senate, Palace of the National Congress, Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on 23 April 1975, in the one hundred and thirty-second year of Independence and the one hundred and twelfth year of the Restoration (signed): Adriano A. Uribe Silva, President.

DONE in the Assembly Hall of the Chamber of Deputies, Palace of the National Congress, Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on 7 May 1975, in the one hundred and thirty-second year of Independence, and the one hundred and twelfth year of the Restoration.

Atilio A. Guzmán Fernández
President

I, JOAQUIN BALAGUER,
PRESIDENT OF THE DOMINICAN REPUBLIC

IN THE EXERCISE of the powers vested in me by article 55 of the Constitution of the Republic,

HEREBY PROMULGATE this Act and direct that it shall be published in the Gaceta Oficial for information and observance.

DONE at Santo Domingo de Guzmán, National District, capital of the Dominican Republic, on 12 May 1975, in the one hundred and thirty-second year of Independence and the one hundred and twelfth year of the Restoration.

Joaquín Balaguer