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LAWS AND REGULATIONS

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

DOMINICAN REPUBLIC

Communicated by the Government of the Dominican Republic

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by suspension marks in square brackets [...].

LAW No. 50-88 [OF 30 MAY 1988] ON DRUGS AND CONTROLLED SUBSTANCES
IN THE DOMINICAN REPUBLIC

*Note by the Secretariat: This document directly reproduces the text communicated to the Secretariat.

THE NATIONAL CONGRESS
In the name of the Republic

LAW No. 50-88

WHEREAS: Article 5 of the Dominican Constitution states that the territory of the Dominican Republic consists of the eastern part of the island of Santo Domingo and its adjacent islands, its land borders being defined in the Frontier Treaty of 1929 and its Revision Protocol of 1936; and that the territorial sea and the corresponding seabed and subsoil, and the airspace above them, also form part of the national territory;

WHEREAS: Law No. 168, dated 12 May 1975,¹ governing the importation, manufacture, sale, distribution and use of narcotic drugs is presently ineffectual as a legal instrument for preventing and punishing illicit traffic in and consumption of dangerous drugs, for controlling them and the substances needed to produce them, and for rehabilitating users of such drugs;

WHEREAS: The problem of illicit traffic in and use of drugs has escalated to a dramatic and alarming extent, and our country is being used as an international transit point;

WHEREAS: It is necessary to classify and codify the basic and essential chemical products on which the international trade involving illicit traffic in and consumption of drugs and psychotropic substances and their unlawful use is based, according to the levels of risk arising from their regular use and dispatch, and bearing in mind that not all drugs requiring legislative control are narcotics;

WHEREAS: The large sums of money involved in illicit traffic and consumption of dangerous drugs, supported by highly organized publicity campaigns, exercise a manifest, unhealthy and negative influence on healthy elements of society, mainly young people, who are essential to the development of peoples;

WHEREAS: It is essential to establish centres under the direction of the Dominican government for the purpose of detoxifying and rehabilitating individuals regarded as addicted to or dependent on drugs, because except where such centres already exist, resources are lacking to set up more private centres engaged in such activities in the long term;

WHEREAS: There is an urgent need to coordinate the available capacities and resources for carrying out the activities, programmes and projects of the various institutions combatting drug abuse, and for implementing a national strategy and campaign against the consumption of and traffic in drugs and controlled substances in the Dominican Republic;

¹ E/NL.1975/51.

WHEREAS: An alarming number of foreigners are being caught dealing in dangerous drugs and unlawfully possessing, consuming and using them, contrary to the customs and traditions of our people, and in violation of the existing Law no. 168 and Law no. 95 on immigration;

WHEREAS: The existing Law no. 168 contains no classification or list of drug-related offences, or any clear definition of the penal and monetary sanctions to be imposed on sponsors, dealers and middlemen, distributors or vendors, and on users themselves;

WHEREAS the designation "narcotic drugs" as found in the existing Law no. 168 is highly confused, elementary and restrictive, and any definition of the conduct constituting the illicit act must be concrete, precise, comprehensive, intelligible and above all, clear;

HAVING REGARD to Law no. 168 of 12 May 1975, governing the importation, manufacture, sale, distribution and use of narcotic drugs;

HAVING REGARD to the laws, regulations and decrees concerning drugs prior to Law no. 168 of 1975;

HAVING REGARD to Law no. 95 on immigration, of 1939,

HAVING REGARD to Law no. 573 of 16 April 1977, on the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf;

HAVING REGARD to Laws nos. 5439 of 1915 and their amendments, concerning provisional liberty under bail, Law no. 164 of 1980 on conditional liberty, and Law no. 223 on conditional remission of penalties;

HAVING REGARD to Articles 1, 2, 3, 6, 7, 11, 18, 21, 23, 39, 40, 56, 57, 58 and 59 of the Dominican Criminal Code, and Articles 32 and 43 of the Code of Criminal Procedure,

HAS ENACTED THE FOLLOWING LAW:

CHAPTER 1 TITLE AND DEFINITIONS

Article 1. - This Law will be known as the Law of the Dominican Republic on Drugs and Controlled Substances.

Article 2. - The words and phrases defined in this article will have the meanings given below, except where the text of the Law indicates another meaning.

SECTION 1. *Addiction*. This means a pattern of conduct in which there is compulsive use of a substance, characterised by excessive attachment to the use of the drug, the need to obtain it and a marked tendency to relapse after it has been withdrawn.

SECTION II. *Addiction or drug-dependency*: Any person who habitually uses a narcotic or dangerous substance, with the risk of endangering his morale, health, safety and wellbeing, and who has become addicted or dependent through losing self-control over this habit, thus constituting a threat to society.

SECTION III. *Administer*. To supply, in the case of medicaments, to apply them, give them or cause them to be taken. This is understood as the direct application to the individual of a substance which is controlled or subject to legal prohibition, whether by injection, inhalation, ingestion or any other method of entering the body.

SECTION IV. *Poppy-straw (Opium poppy)*. A plant of the species *Papaver Somniferum* L., excepting its seeds.

SECTION V. *Trading*. Trading means illegal commercial transactions, the sale, delivery, reception, introduction and export of narcotics and controlled substances or substances subject to legal proscription.

SECTION VI. *Illegitimate trading*. This is when a person authorized to trade in or transport controlled substances makes [il]legitimate use of them.

SECTION VII. *Illicit trading*. This is when a person does not have the necessary authorization to deal in or transport controlled substances covered by the regime of legal proscription.

SECTION VIII. *Consumption*. Consumption means the sporadic, periodic or regular use of controlled substances subject to legal proscription, and which involve the risk of dependence.

SECTION IX. *Control*. This means placing a drug or substance, or immediate precursor, in a category, removing it from the category or changing the category, in accordance with Chapter II of this Law.

SECTION X. *Cultivation*. This is the activity aimed at developing a plantation, in the terms described in paragraph 2.33.

SECTION XI. *Physical dependence*. A specific syndrome characterized by physical symptoms brought about by the sudden withdrawal of the drug (abstinence syndrome).

SECTION XII. *Psychological dependence*. This means that there is a compulsion to continue using a drug in spite of the adverse consequences.

SECTION XIII. *Dispensing*. Handing out a controlled substance under a medical prescription.

SECTION XIV. *Dispensing agent*. The doctor, dentist, veterinary surgeon or pharmacist who supplies the controlled substance.

SECTION XV. *Distributor*. The person who distributes a controlled substance.

SECTION XVI. *Distribute*. This means supplying a controlled substance by means other than administering or dispensing it.

SECTION XVII. *Drug*. A simple or compound substance of natural or synthetic origin which, on entering the body, may affect the health of human beings, and which is used in the preparation of medicaments, means of diagnosis, etc. A substance or medical preparation having a stimulant, depressant or narcotic effect.

SECTION XVIII. *Hallucinogenic drugs*. The drugs belonging to this group typically produce hallucinations in the user. Although this is not their only characteristic, it is the most marked and predominant of the effects on the organism of the user. The following are among the most widely used hallucinogenic drugs: lysergic acid diethylamide (LSD-25), peyote cactus, mescaline and similar.

SECTION XIX. *Depressant or stimulant drugs*. All drugs containing a quantity of barbituric acid or any of its salts, any derivative of barbituric acid which is found to be habit-forming; any drug containing any quantity of amphetamines or any of their optical isomers; any amphetamine salt or any salt of an optical isomer of amphetamine, lysergic acid diethylamide. Their potential for abuse is due to their depressant or stimulant effect on the central nervous system, or their hallucinogenic effect.

SECTION XX. *Narcotic drugs*. Any of the following substances, whether produced directly or indirectly, by extraction from substances of plant origin, independently by chemical synthesis, or by a combination of extraction and chemical synthesis:

- a) Opium, coca leaves and opiates;
- b) Any compound, product, salt, derivatives or preparation from opium, coca leaves and opiates;
- c) Any substance and any compound, product, salt, derivative or preparation therefrom which is chemically identical to any of the substances referred to in paragraphs a) and b) of this section, with the proviso that the words "narcotic drugs" do not include coca leaves from which cocaine has been removed, nor extracts of coca leaves, if these extracts do not contain cocaine or ecgonine.

SECTION XXI. *Delivering*. Delivering is considered to be the supplying, transferring or dispensing of controlled substances or substances subject to legal proscription.

SECTION XXII. *Delivery or supply*. This is the transfer or provision as between persons of a controlled substance, whether based on a legal relationship or otherwise.

SECTION XXIII. *Manufacture*. This is the process of preparing, elaborating, manufacturing, composing, converting or processing controlled

substances or substances subject to legal proscription, whether directly or indirectly by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

SECTION XXIV. *Manufacturer.* A person who manufactures a drug or other substance.

SECTION XXV. *Hallucinogenic groups.* Lysergic acid diethylamide (LSD-25), peyote cactus, mescaline, psilocybin, psilocin, DMT, (Dimethyltryptamina), DET (Diethyltryptamine), MDA (Metilene-dioxanfetamina) and THC (Tetrahydrocannabinol) and similar.

SECTION XXVI. *Excitants or Stimulants.* Coca and its derivatives (cocaine and cocaine hydrochloride), amphetamines, Benzedrine, Dexedrine and similar.

SECTION XXVII. *Hypnotic groups and barbiturates.* This group is not of interest as far as trade in narcotic drugs is concerned.. The hypnotic sedatives most commonly used belong to the barbiturate group.

SECTION XXVIII. *Opiates group.* Morphine, heroin, codeine, papaveretum and similar substances including opium, such as paregoric elixir and tincture of laudanum.

SECTION XXIX. *Marihuana.* This refers to all parts of the Cannabis Sativa L. plant, whether in the growing state or otherwise; the seeds of the plant, the resin extracted from any part of it, and any compound, product, salt, derivative, mixture or preparation from the plant, its seeds or its resin; but does not include the mature stems of the plant or the fibres obtained from the stems, or the oil or paste made from the seeds of the plant, or any other compound, product, salt, derivative, mixture or preparation from the mature stems. This plant has been given a variety of names, depending on the countries where it is grown or traded. In North America it is called "mariguana" in Peru Marihuana; in Mexico it is called "Grifa", in Syria and Lebanon "Hashish", in India "Bhang" or "Gania", in Algeria "Kif", in Turkey "Habak", and in our country yerba, material, mafafa, marihuana, maso, clavo, etc. Worldwide, there are about three hundred more names for it.

SECTION XXX. *Opiate.* Any drug or other substance which is capable of creating or maintaining an addiction, in a form similar to morphine, or which can be converted to a drug having the capacity to create or maintain an addiction.

SECTION XXXI. *Poppy straw.* All parts of the opium poppy after harvesting, except the seeds.

SECTION XXXII. *Person.* Any natural or legal person.

SECTION XXXIII. *Plantation.* A quantity of plants in excess of twenty (20), from which drugs causing dependence can be extracted.

SECTION XXXIV. *Possession.* The physical act of holding controlled substances.

SECTION XXXV. *Culpable possession.* Holding or possessing for one's own and immediate use or consumption, contrary to a legal prohibition.

SECTION XXXVI. *Illicit possession.* Where a presumed offender performs a fraudulent act contrary to an express legal prohibition, consisting of holding, keeping or possessing controlled substances for wrongful purposes or, being authorized to hold them, makes wrongful use of them.

SECTION XXXVII. *Preparation.* Any solution or mixture, in any physical state, which contains one or more controlled substances, or one or more controlled substances in doses.

SECTION XXXVIII. *Immediate precursor.* This means any substance which is an immediate chemical intermediary and which is used or likely to be used in the manufacture of a specific controlled substance, and the control of which is necessary in order to prevent, reduce or limit the manufacture of such controlled substance.

SECTION XXXIX. *Prescription.* An order issued by a doctor, dentist or veterinary surgeon who is authorized to dispense controlled substances.

SECTION XL. *Production.* The sowing, planting, cultivation, growing, harvesting, picking, etc. of plants containing controlled substances or which are subject to a regime of legal proscription.

SECTION XLI. *Illicit production.* Where a presumed offender does not have the necessary authorization to produce or manufacture materials containing controlled substances which are defined and prohibited under the legislation in force.

SECTION XLII. *Illegitimate production.* This refers to the offence committed when a person who is authorized to produce or manufacture materials containing controlled substances makes illegitimate use of them.

SECTION XLIII. *Controlled substance.* This refers to any drug, chemical, basic and essential substance, or immediate precursor, included in Categories I, II, III, IV or V of Chapter II of this Law.

SECTION XLIV. *Falsified substance.* Any controlled substance whose container or label displays, without authorization, the trademark, trade name or other mark, symbol, number or identifying design or similar, of a manufacturer, distributor or dispensing agent who is not the person or persons who have in fact manufactured, distributed or dispensed the substance, and which thus falsely claims or purports to be the product of, or to have been distributed by, such manufacturer, distributor or dispensing agent.

SECTION XLV. *Psychotropic substance.* Any natural or synthetic substance, or any natural material, in Categories I, II, III or IV.

SECTION XLIV. *Illicit traffic.* This is the illegal act of transferring or transporting narcotic drugs and controlled substances, and prior or subsequent acts

for the purpose of illicit commercial transactions involving the delivery under any pretext of controlled substances or substances subject to a regime of legal proscription.

SECTION XLVII. *International traffic*. Refers to illicit traffic by criminal groups whose criminal activities extend to a number of countries..

SECTION XLVIII. *Use-consumption*. This term refers to the use of controlled substances or substances subject to the regime of legal proscription, whether the frequency of use is sporadic, occasional, regular, continuous or permanent, but which involves in all cases the risk of dependence and constitutes a danger to society.

Article 3. - For the purposes of this Law, the users of controlled drugs are divided into three Categories:

- a) Recreational users. A recreational user is a person who experiments with drugs without becoming a habitual user;
- b) Habitual users. A habitual user is a person who regularly abuses one or several drugs without obvious social or occupational consequences;
- c) Addicts or drug-dependants. An addict or drug-dependant is a person who is psychologically and physically dependent on the drug, exhibiting a withdrawal syndrome following cessation or drastic reduction of the dose regularly used, such as to endanger public morals, health, safety or wellbeing, or who is so dependent on the use of drugs that he or she has lost self-control in respect of his or her addiction.

Article 4. - Persons trading unlawfully in controlled drugs will be classified into the following Categories:

- a) Ordinary possessors. Mere possession is defined in accordance with the provisions of this Law in each individual case;
- b) Distributors or sellers. A distributor or seller is the person who directly performs the operation of selling to the user;
- c) Intermediaries. An intermediary is the person who effects contact between the user and the distributor, or between the distributor and the trafficker;
- d) Traffickers. A trafficker is a person who trades in controlled substances in the quantities specified in this law;
- e) Sponsors. A sponsor is a person who finances the illicit trafficking operations, is intellectually in charge of such operations, supplies the transport equipment or disposes of any means facilitating the illicit trade.

Article 5. - (Amended by Law No. 17-95² of 17 December 1995). In the case of cocaine, the gravity of any case submitted for prosecution will be determined in accordance with the following scale:

² E/NL.1997/17.

- a) When the quantity of the drug does not exceed one (1) gramme, it will be regarded as ordinary possession, and the person or persons prosecuted will be classified as recreational users. If the quantity is more than one (1) gramme, but less than five (5) grammes, the person or persons prosecuted will be classified as distributors. If the quantity exceeds five (5) grammes, the person or persons prosecuted will be regarded as traffickers;
- b) A person shall not be regarded as a recreational user when the drug he or she is carrying is intended for distribution or sale, whatever the quantity concerned; in this case, the person prosecuted shall be regarded as a distributor or vendor.

Article 6. - In the case of marihuana, the gravity of each case will be determined by the quantity confiscated or involved in the operation.

- a) When the quantity does not exceed 20 grammes, the offence will be treated as mere possession, and the person or persons prosecuted will be classified as recreational users; if the quantity exceeds 20 grammes but is less than one pound, the person or persons concerned will be classified as distributors; if the quantity exceeds one pound, the person or persons prosecuted will be classified as traffickers;
- b) When the quantity does not exceed 5 grammes, in the case of hashish, the offence will be treated as mere possession, and the person or persons prosecuted will be classified as recreational users; if the quantity exceeds 5 grammes but is less than one quarter (1/4) of a pound, the person or persons prosecuted will be treated as distributors; if the quantity exceeds one quarter (1/4) of a pound, the person or persons prosecuted will be treated as traffickers;
- c) (Added by Law no. 17-95, of 17 December 1995). A person will not be regarded as a recreational user if the drug he or she is carrying is intended for distribution or sale, whatever the quantity; in this case, the person prosecuted will be treated as a distributor or vendor.

Article 7. - In the case of LSD or other hallucinogenic substance, or in the case of opium and its derivatives, in whatever quantity, the person or persons prosecuted will be classified as traffickers.

CHAPTER II

CATEGORIES OF CONTROLLED DRUGS

Article 8. - On the basis of this article, there shall be established five categories of controlled substances, to be known as Categories I, II, III, IV and V. These Categories shall consist initially of the chemical, basic and essential substances, and the immediate precursors, listed in this article, and of any others to

be included or moved from one Category to another, in accordance with the provisions of this article. During the month of December each year, the Secretary of State for Public Health and Social Welfare shall publish, in two (2) national periodicals for at least three (3) consecutive days, a report of the changes made in the Categories during the year. If no changes have been made, the Secretary of State shall not of course be obliged to publish any report.

The definitions required for each Category shall be as stated below:

1) Category I.

- a) The drug or other substance has a high potential for abuse;
- b) The drug or other substance has no accepted medicinal use;
- c) The accepted conditions of safety for its use under medical supervision are absent.

2) Category II.

- a) The drug or other substance has a high potential for abuse;
- b) The drug or other substance has an accepted medicinal use, or a medicinal use which is accepted with severe restrictions;
- c) The abuse of the drug or other substance may lead to serious psychological or physical dependence.

3) Category III.

- a) The drug or other substance has less potential for abuse than the drugs and other substances listed in Categories I and II;
- b) The drug or other substance has an accepted medicinal use;
- c) The abuse of the drug or other substance may lead to slight or moderate physical dependence or to marked psychological dependence.

4) Category IV.

- a) The drug or other substance has a low potential for abuse in comparison with the drugs or other substances included in Category III;
- b) The drug or other substance has an accepted medicinal use;
- c) The abuse of the drug or other substance may create limited physical or psychological dependence by comparison with the drugs and other substances included in Category III.

5) Category V.

- a) The drug or other substance has a low potential for abuse in comparison with the drugs and other substances included in Category IV;
- b) The drug or other substance has an accepted medicinal use;

- c) The abuse of the drug or other substance may create limited physical or psychological dependence by comparison with the drugs and other substances included in Category IV.

Categories I, II, III, IV and V, unless amended, shall comprise the following drugs and other substances, regardless of the official, customary or current, chemical or commercial name used to describe them.

CATEGORY I

Includes drugs with a high potential for abuse and without an accepted medical use at the present time. They must be used only for research, instructional purposes or chemical analysis.

SECTION I. Unless specifically excepted or included in another Category, any of the following opiates shall be considered to be included in this Category, including their isomers, salts of their isomers, esters and ethers, whenever the existence of such isomers, salts of their isomers, esters and ethers is possible within the corresponding chemical description.

1. Acetylmethadol	9601
2. Allylprodine	9602
3. Alphacetylmethadol	9603
4. Alphameprodine	9604
5. Alphamethadol	9605
6. Alphamethylfentanyl	9814
7. Benzethidine	9606
8. Betacetylmethadol	9607
9. Betameprodine	9608
10. Betamethadol	9609
11. Betaprodine	9611
12. Clonitazene	9812
13. Dextromoramide	9613
14. Diampromide	9615
15. Diethylthiambutene	9616
16. Difenoxine	9168
17. Dimenoxadol	9617
18. Dimepheptanol	9618
19. Dimethylthiambutene	9619
20. Dioxaphetyl butyrate	9621
21. Dipipanone	9622
22. Ethylmethylthiambutene	9623
23. Etonitazene	9624
24. Etoxeridine	9625
25. Furethidine	9626
26. Hydroxy pethidine	9627
27. Ketobemidone	9628
28. Levomoramide	9629
29. Levophenacymorphan	9631

30. Morpheridine	9832
31. Noracymethadol	9633
32. Norlevorphanol	9634
33. Normethadone	9635
34. Norpipanone	9636
35. Phenadoxone	9637
36. Phenoperidine	9641
37. Phenomorphan	9647
38. Phenoperidine	9641
39. Piritramide	9642
40. Proheptazine	9643
41. Properidine	9644
42. Propiran	9649
43. Racemoramide	9645
44. Sufentanil	9740
45. Tilidine	9750
46. Trimeperidine	9646

SECTION II. Unless specifically excepted or included in another Category, this Category shall be understood to include any of the following derivatives of opium, its salts, isomers and salts of its isomers, whenever the existence of such salts, isomers and salts of its isomers is possible within the specific chemical description.

1. Acetorphine	9319
2. Acetyldihydrocodeine	9051
3. Bencilmorfina	9052
4. Codeine methyl bromide	9070
5. Codeine-N-oxide	9053
6. Cyprenorphine	9054
7. Desomorphine	9055
8. Dihydromorphine	9145
9. Drotebanol	9335
10. Etorphine (except hydrochloride salt)	9056
11. Heroin	9200
12. Hydromorphenol	9301
13. Methyldesorphine	9302
14. Methyldihydromorphine	9304
15. Morphine metho bromide	9305
16. Morphine methylsulfonate	9306
17. Morphine-N-oxide	9307
18. Myrophine	9308
19. Nicocodine	9309
20. Nicomorphine	9312
21. Normorphine	9313
22. Pholcodine	9314
23. Thebacon	9315

SECTION III. Unless they are specifically excepted or included in another Category, this Category shall be deemed to include materials, compounds, mixtures

or preparations which contain any quantity of the following hallucinogenic substances, their salts, isomers and salts of their isomers, provided the existence of these salts, isomers and salts of their isomers is possible within the specific chemical description.

1. 4-bromo-2,5-dimethoxy-amphetamine	7391
2. 2,5-dimethoxy-amphetamine	7396
3. 4-methoxy-amphetamine	7411
4. 5-methoxy-3,4-methylenedioxy-amphetamine	7401
5. 4-methyl-2,5-dimethoxy-amphetamine	7395
6. 3,4-methylenedioxy-amphetamine	7400
7. 3,4,5-trimethoxy-amphetamine	7390
8. Bufotenine	7433
9. Diethyltryptamine	7434
10. Dimethyltryptamine	7435
11. Ibogaine	7260
12. Lysergide	7315
13. Marihuana	7360
14. Mescaline	7381
15. Prahexil	7374
16. Peyote cactus	7415
17. N-ethyl-3-piperidyl benzilate	7482
18. N-metyl-3-piperidyl benzilate	7484
19. Psilocybin	7437
20. Psilocin	7438
21. Tetrahydrocannabinol	7370
22. Ethylamine analogue of phencyclidine	7455
23. Pyrrolidine analogue of phencyclidine	7458
24. Thiophene analogue of phencyclidine	7470
25. Fenetylline	1503
26. N-ethylamphetamine	1475

SECTION IV. - Materials, compounds, mixtures or preparations containing any quantity of the following substances which depress the central nervous system, including their salts, isomers and salts of their isomers.

1. Mecloqualone	2572
2. Methaqualone	2565

CATEGORY II

Unless specifically excepted or included in another Category, any of the following substances, whether produced directly or indirectly by extraction from substances of plant origin, or independently by means of chemical synthesis, or by means of a combination of extraction and chemical synthesis.

SECTION I. Any salt, compound, derivative or preparation from opium, excluding Apomorphine, Dextrorfan, Nalbufina and Naltrexona and their respective salts, but including the following:

1. Crude opium	9600
2. Extracts of opium	9610
3. Extracts of opiate liquids	9620
4. Powdered opium	9639
5. Granulated opium	9640
6. Tincture of opium	9630
7. Codeine	9050
8. Ethylmorphine	9190
9. Etorphine hydrochloride	9059
10. Hydrocodin	9193
11. Hydromorfon	9150
12. Metopon	9260
13. Morphine	9300
14. Oxycodone	9143
15. Oxymorphone	9652
16. Thebaine	9333
17. Concentrate of poppy straw	9670
18. Alphaprodine	9010
19. Anileridine	9020
20. Bezitramide	9800
21. Dextropropoxyphene	9273
22. Dihydrocodeine	9120
23. Difenoxin	9170
24. Fentanyl	9801
25. Isomethadone	9226
26. Levomethorphan	9210
27. Levorphanol	9220
28. Metazocine	9240
29. Methadone	9250
30. Methadone intermediate (4-cyano-2-dimethyl amino 4,4-diphenyl butane	9254
31. Moramide intermediate (2-methyl-3-morpholino-1,1-diphenyl propane carboxylic acid)	9802
32. Pethidine	9230
33. Pethidine intermediate A	9232
34. Pethidine intermediate B	9233
35. Pethidine intermediate C	9234
36. Phenazocine	9715
37. Piminodine	9730
38. Racemethorphan	9732
39. Racemorphan	9733

SECTION II. Any material, compound, mixture or preparation containing any quantity of the following substances which stimulate the central nervous system:

1. Amphetamine, its salts, optical isomers and their salts	1100
2. Methamphetamine its salts, isomers and their salts	1105

3. Phenmetrazine and its salts	1631
4. Methylphenidate	1724
5. Coca leaves	9040
6. Cocaine	9041
7. Ecgonine	9180

SECTION III. Any material, compound, mixture or preparation containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of their isomers.

1. Amobarbital	2125
2. Pentobarbital	2270
3. Secobarbital	2315

SECTION IV. Any material, compound, mixture or preparation containing any quantity of these immediate precursors: amphetamine, methamphetamine and phencyclidine.

1. 1-phenyl-2-propanone (phenyl acetone)	8501
2. 1-phenylcyclohexylamine	7460
3. 1-piperidinecyclohexane carbonitrite (PCC)	8603

Unless they are specifically excepted or included in another Category, this Category is deemed to include injectable liquids containing any quantity of methamphetamine, including its salts, isomers and salts of its isomers.

CATEGORY III

SECTION I. Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their isomers, salts (whether optical or geometrical positions) and the salts of their isomers.

1. Benzphetamine	1228
2. Chlorphentermine	1645
3. Clortermine	1647
4. Phendimetrazine	1615

SECTION II. Any material, compound, mixture or preparation containing any quantity of the following substances, which act as depressants on the central nervous system.

1. Chlorhexadol	2510
2. Glutethimide	2550
3. Lysergic acid	7300
4. Lysergic acid amine	7310
5. Methypylon	2575
6. Sulphonethylmethane	2605
7. Sulfonediethylmethane	2600

8. Sulphonmethane	2610
9. Nalorphine	9400
10. Any substance containing derivatives of barbituric acid and its salts	2100

SECTION III. Any material, compound, mixture or preparation containing any of the following narcotic drugs or their salts, calculated according to the free anhydrous or alkaloid base, in limited amounts, as specified below:

1. Not more than 1.8 grammes of codeine per 100 millilitres, and not more than 90 milligrammes per single dose, with a quantity equivalent to or greater than one alkaloid of opium	9803
2. Not more than 1.8 grammes of codeine per 100 millilitres or not more than 90 milligrammes per single dose, with one or more active non-narcotic ingredients, in quantities recognized as having therapeutic value	9804
3. Not more than 300 milligrammes of dihydrocodeine per 100 millilitres, or not more than 15 milligrammes per single dose, with four times or more of an alkaloid of opium	9805
4. Not more than 300 milligrammes of dihydrocodeine per 100 millilitres or not more than 15 milligrammes per single dose, with one or more active non-narcotic ingredients in quantities regarded as therapeutic	9806
5. Not more than 1.8 grammes of dihydrocodeine per 100 millilitres, or not more than 90 milligrammes per single dose, with one or more non-narcotic active ingredients in therapeutic doses	9807
6. Not more than 300 milligrammes of ethylmorphine per 100 millilitres or not more than 15 milligrammes per dose, with one or more non-narcotic active ingredients in therapeutic doses	9808
7. Not more than 500 milligrammes of opium per 100 millilitres or per 100 grammes, or not more than 25 milligrammes per single dose with one or more non-narcotic active ingredients in therapeutic doses	9809

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| 8. Not more than 50 milligrammes of morphine per 100 millilitres or per 100 grammes, with one or more non-narcotic active ingredients in therapeutic doses | 9810 |
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CATEGORY IV

SECTION I. Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers and their salts.

- | | |
|--------------------------|------|
| 1. Alprazolam | 2882 |
| 2. Barbitol | 2145 |
| 3. Chloral betaine | 2460 |
| 4. Chloral Hydrate | 2465 |
| 5. Chlordiazepoxide | 2744 |
| 6. Clonazepam | 2737 |
| 7. Clorazepate | 2768 |
| 8. Diazepam | 2765 |
| 9. Ethchlorvynol | 2540 |
| 10. Ethinamate | 2545 |
| 11. Flurazepam | 2767 |
| 12. Halazepam | 2762 |
| 13. Lorazepam | 2885 |
| 14. Mebutamate | 2800 |
| 15. Meprobamate | 2820 |
| 16. Methohexital | 2264 |
| 17. Methyl phenobarbital | 2250 |
| 18. Oxazepam | 2835 |
| 19. Paraldehyde | 2585 |
| 20. Petrichloral | 2591 |
| 21. Phenobarbital | 2285 |
| 22. Prazepam | 2764 |
| 23. Temazepam | 2925 |
| 24. Triazolam | 2887 |
| 25. Fenfluramine | 1670 |

SECTION II. Any material, compound, mixture or preparation containing any quantity of the following stimulant substances:

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|---|------|
| 1. Dietilpropion (not available in English) | 1610 |
| 2. Mazindol | 1605 |
| 3. Pemoline (including organometallic complexes and chelates) | 1530 |
| 4. Phentermine | 1640 |
| 5. Pipradrol | 1750 |
| 6. SPA (1-dimethyl amino-1,2-diphenyl ethane (Lefetamine)) | 1635 |
| 7. Pentazocine in any quantity, including its salts | 9709 |

CATEGORY V

SECTION I. Any material, compound, mixture or preparation containing any of the following drugs or their salts, in quantities restricted as explained below, including one or more active non-narcotic medicinal ingredients, in sufficient amounts to produce valuable medicinal properties distinct from those possessed by the narcotic drugs on their own:

1. Not more than 200 milligrammes of codeine for each 100 millilitres or for each 100 grammes;
2. Not more than 100 milligrammes of dihydrocodeine for each 100 millilitres or each 100 grammes;
3. Not more than 100 milligrammes of ethylmorphine for each 100 millilitres or each 100 grammes;
4. Not more than 2.5 milligrammes of diphenoxylate and not less than 25 microgrammes of sulphate of atropine for each dose;
5. Not more than 100 milligrammes of opium for each 100 millilitres or for each 100 grammes;
6. Not more than 0.5 milligrammes of and not less than 25 microgrammes of per single dose.

PARAGRAPH [Added by Law no. 35-90 of 7 June 1990.] The following precursors, solvents and chemical reactants are regarded as controlled substances and therefore subject to all the legal provisions of this law:

- a) Acetylene chloride;
- b) Anthranilic acid;
- c) *N*-Acetylanthranilic acid;
- d) Ergonovine (ergometrine);
- e) Ergotamine;
- f) Phenyl acetic acid;
- g) 1-phenyl-2-propanone (phenyl acetone);
- h) Piperidine;
- i) Acetic anhydride;
- j) Acetone;
- k) Ethyl ether;
- l) Benzene;
- m) Toluene;
- n) Hexane;
- o) Methyl ethyl ketone (MEK);
- p) Methyl isobutyl ketone (MIBK);
- q) Diisopropyl betone.

Article 9. The following are regarded as the most dangerous, for the purposes of this Law, of the dangerous drugs listed in Article 8:

- a) Opium in all its forms, all its derivatives (alkaloids, salts, preparations or synthetic substitutes);
- b) Heroin;
- c) Coca (erythroxyton coca);

- d) Cocaine, its derivatives or synthetic substitutes, or any compound of which it forms the base;
- e) LSD or any other hallucinogenic substance;
- f) All the seeds and plants of the Cannabinaceas family, and products derived from them containing narcotic properties or stimulants (such as Cannabis Indica, Cannabis Sativa, Marihuana, and other herbs with similar properties).

CHAPTER III

ORGANIZATIONS RESPONSIBLE FOR IMPLEMENTING THE LAW

Article 10. There shall be established, under the aegis of the Executive, a National Drug Control Directorate. The principal objectives of the National Drug Control Directorate shall be:

- a) To ensure full compliance with and implementation of the provisions of this Law;
- b) To prevent and punish the consumption, distribution and illicit trafficking in drugs and controlled substances throughout the national territory;
- c) The work of investigation and preparation involved in prosecuting natural or legal persons who violate this Law of the Dominican Republic on Drugs and Controlled Substances, operating either on the national or the international level;
- d) Overseeing the national intelligence system for combatting drugs, in collecting, analysing and disseminating strategic and operational intelligence information, for the purpose of counteracting illicit drug trafficking activities in the Dominican Republic, for which purpose there shall be established, as a subordinate organ of the National Drug Control Directorate, the CENTRE FOR JOINT INFORMATION AND COORDINATION (CICC);
- e) The confiscation, seizure and custody of the goods and profits derived from illicit traffic, pending a final and irrevocable judgment of a court concerning them;
- f) The implementation of the provisions laid down in this Law concerning the production, manufacture, refining, processing, extraction, preparation, distribution or any other operations involving the handling of these controlled substances when produced lawfully;
- g) Coordination and cooperation with police, military and judicial authorities in their shared efforts to improve and comply fully with the provisions of this Law;
- h) Coordination and cooperation with foreign governments and institutions to reduce the availability of illicit drugs in the Dominican Republic and the Caribbean region, developed in the context of the international conventions and treaties signed and ratified by the Dominican Republic;
- i) Acting as a contact and representative vis-a-vis INTERPOL, and any other international organization, with respect to international programmes for the control of drugs and controlled substances.

Article 11. The National Drug Control Directorate will be run by a Governing Board of five members, to be appointed by the executive.

PARAGRAPH I. The Governing Board will consist of:

- a) a representative of the President of the Republic;
- b) a representative of the armed forces or the national police force;
- c) a representative of the Secretary of State for Public Health and Social Welfare;
- d) a representative of the Secretary of State for Foreign Relations; and
- e) a prominent member of the Dominican Catholic Church.

PARAGRAPH II. The President of the Republic will appoint the person who is to chair the Board.

PARAGRAPH III. Decisions by the Governing Board in accordance with its functions shall be taken by a positive vote of four of its members.

Article 12. - The Department of Narcotic and Dangerous Drugs of the National Police Force shall become a subsidiary organ of the National Drug Control Directorate .

PARAGRAPH: Senior, junior and enrolled officials presently performing their services under the authority of the Department of Narcotic and Dangerous Drugs of the National Police shall, following assessment, become members of the National Drug Control Directorate.

Article 13. - Staff employed in the National Drug Control Directorate shall be drawn from the various departments of the armed forces, the national police force and the National Investigation Department, and from any other public body instructed by the Executive.

PARAGRAPH I. Senior, junior and enrolled officials selected by assessment for entry to the National Drug Control Directorate must be given specialist instruction and training concerning investigation and drugs.

PARAGRAPH II. For this purpose, a DRUG CONTROL ACADEMY OF THE DOMINICAN REPUBLIC shall be established under this Law and under the aegis of the Directorate.

Article 14. - Military, police and civilian personnel of the National Drug Control Directorate cannot enter service or be transferred, replaced or removed from office without the prior authorization of the President of the Republic in his capacity as Supreme Head of all the armed forces and police services, in accordance with the provisions of Article 55 of the Dominican Constitution.

Article 15. - (Amended by Law no. 35-90 of 7 June 1990). The chairman of the National Drug Control Directorate is empowered, where the necessary conditions have been met, to issue firearms to the members of the National Drug Control Directorate.

Article 16. - Members of the National Drug Control Directorate, whether military or police officers or civilians, shall be provided with special identifying logbooks and licence disks .

Article 17. - The National Drug Control Directorate shall be entitled, in performing its functions, to request the cooperation of all government agencies, when it is considered that such cooperation is necessary for the attainment of its objectives.

Article 18. - The military, police, civilian and judicial authorities must collaborate in supporting the programmes and operations carried out by the National Drug Control Directorate.

Article 19. - There shall be established, under the authority of the Executive, the NATIONAL DRUGS COUNCIL, to consist of seven persons of known moral integrity to be appointed by the President of the Republic. The principal objectives of the National Drugs Council shall be:

- a) To advise the Executive on the problem of drugs in the Dominican Republic;
- b) To review, design, develop and implement the national strategy and campaign against the consumption, distribution and traffic in illicit drugs in the Dominican Republic;
- c) To promote coordination among all the public and private sectors of the Dominican Republic, in order to stop illicit traffic in drugs at the national and international level.

Article 20. - The National Drug Control Directorate shall be entitled, in performing its functions, to request the cooperation of all government agencies, when it is considered that such cooperation is necessary for the attainment of its objectives.

CHAPTER IV PROHIBITION AND CONTROL

Article 21. The sowing, cultivation, production, gathering, harvesting and exploitation of plants of the genus *papaver somniferum* L (poppy straw, poppy and its "album" variety (papaveraceas), of the coca bush (*Erythroxylon coca*) and its varieties (erythroxylaceas), of the hemp plant (*Cannabis sativa* L.) and its varieties "indica", "movacae", "marihuana" and other plants and parts of plants which are regarded as constituting narcotic drugs and controlled substances.

Article 22. - The production, manufacture, extraction, synthesis, elaboration and fractionation of the narcotic drugs and controlled substances listed in Category I of Article 8 of this Law is prohibited.

Article 23. - The extraction, purification, crystallization, recrystallization and partial or complete synthesis of the narcotic and other drugs under the control regime is likewise prohibited, with the exceptions stated in this Law.

Article 24. - The Secretary of State for Public Health and Social Welfare, through the appropriate ministerial department and in coordination with the National

Drug Control Directorate, which shall be responsible for carrying out the necessary checks and clearances, may in appropriate cases authorize official or private scientific bodies and institutions of higher education or research to carry out the activities subject to the general prohibition contained in Articles 21, 22 and 23 of this Law. These institutions shall be subject to regular inspections by the relevant ministry and department.

Article 25. - Pharmaceutical establishments and health organizations manufacturing drugs and medicines which produce either physical or psychological dependence, or both, shall be subject to inspection and monitoring by the National Drug Control Directorate, and by the Secretary of State for Public Health and Social Welfare.

PARAGRAPH. The production, manufacture, refining, processing, extraction and preparation or any other operation in which these substances or preparations made from them are handled and to which this Law refers, shall be subject to the authorization and control regime of the National Drug Control Directorate, and of the Secretary of State for Public Health and Social Welfare.

Article 26. - Laboratories intending to produce, manufacture, extract, prepare, process or refine the narcotic or controlled substances referred to in Categories II, III and IV, intended for the preparation of pharmaceutical products, must submit a written request to the National Drug Control Directorate, so that the required checks and clearances can be made, stating the quantity, content and nature of the intended products.

Article 27. - The manufacture, refining, processing, extraction, preparation, production and any other similar activities relating to the substances covered by this Law, or to their derivatives, salts, preparations and pharmaceutical products, are limited strictly to the quantities necessary for medical treatment, the lawful production of medicaments or scientific research, and only persons with legal authority may act in any respect of these. Any other intended use of these substances is illegal.

Article 28. - No one may keep under his control, whether in his clothing or luggage, or in his home, place of work or other place, under his authority or responsibility, without legal authorization, any quantity of the narcotic drugs and controlled substances referred to in Category I.

Article 29. - All acts relating to illicit commercial transactions in controlled substances are covered by the concept of "illicit traffic". This expression also includes unlawful acts in violation of the prohibition against importing and selling chemical, basic and essential substances, and immediate precursors, which require an express licence from the Secretary of State for Public Health and Social Welfare, and the prohibition against fractionating, trading in, importing and exporting narcotic drugs and controlled substances.

PARAGRAPH I. - The Secretary of State for Public Health and Social Welfare has sole authority to issue licences for the acquisition, import, export and sale of narcotic drugs and controlled substances which may be sold, solely for

medical use, on medical prescription issued on an official form designed by the National Drug Control Directorate. The prohibition extends to medical samples, which are subject to registration.

PARAGRAPH II. - It is absolutely prohibited to import or export the substances referred to in this Law in the pure state or contained in pharmaceutical products, by means of parcel post or postal packages or correspondence, etc., sent to customs warehouses, bonded warehouses, general storage warehouses, free zones or free ports. Breaches of this article will be punished by confiscation, and steps will be taken in accordance with the provisions of this law.

Article 30. - The Secretary of State for Public Health and Social Welfare, in coordination with the National Drug Control Directorate, which shall carry out the appropriate checks and clearances, shall authorize the limited acquisition of narcotic drugs and controlled substances referred to in Category I by scientific institutions, either official or private, or by institutions of higher education or research, which must provide regular reports on their research findings and on the form and quantities used.

Article 31. - Medicaments containing controlled substances defined in Categories II, III and IV, shall be dispensed to the public in pharmacies or establishments where their sale is authorized, only against a medical prescription issued on forms designed by the National Drug Control Directorate and sold in the Inland Revenue post offices located in the Ministry of Public Health and Social Welfare.

Article 32. - Free medical samples containing controlled substances shall be subject to registration at the Ministry of Public Health and Social Welfare whenever they enter or leave the country or are distributed within it.

Article 33. - Chemical, basic and essential substances, and the immediate precursors, inputs, factories, laboratories, stills, implements and utensils used in the illicit production and manufacture of drugs shall be confiscated and seized. Plants shall be destroyed, and land used for the cultivation of plants shall likewise be confiscated and seized.. Monies used and obtained in committing the offence of illicit trafficking shall likewise be confiscated and seized.

Article 34. - Movables and immovables, equipment and other objects in which heroin, cocaine, marihuana or any other drug classified as dangerous under this Law are found to be stored, conserved, manufactured, prepared, sold or supplied under any pretext, and the vehicles and other means of transport, including aircraft, seagoing vessels or livestock used to commit the offence of illicit traffic, and the money or effects proceeding from such activities, shall be confiscated and seized, and placed at the disposal of the Dominican State.

Article 35. - The goods subject to special seizure as constituting the corpus delicti, shall include the following, not being an exhaustive list:

- a) Roots, including those which grow in the ground, or are incorporated in or found in the ground;

- b) Movables, whether tangible or intangible, including rights, privileges, interests, shares and securities;
- c) All rights in rem to the aforementioned property at the time when the act giving rise to the seizure is committed, according to the provisions of this Law. Any item of such property which is subsequently transferred to a person other than the accused may be the subject of a special seizure order on behalf of the State, unless the person acquiring it is able to show to the competent courts that it was acquired in good faith and as onerous title, and that at the time of the purchase there was no valid reason to believe that the goods in question were the product of illicit trafficking in controlled drugs;
- d) Any means of transport, including aircraft, ships, vehicles, beasts of burden, etc., which are used or intended as transport or to facilitate in any way the transport, sale, receipt, possession or concealment of the property;
- e) All books, records, studies and investigations, including forms, microfilms, recording tapes, computer disks, etc., and information which is used or planned to be used in breach of this Law.

PARAGRAPH I. Property which is confiscated or retained under this Law shall be held in the custody of the State and shall not be reclaimable except through the competent organs of the State, and subject to the orders and decisions of the courts.

PARAGRAPH II. Property which has been confiscated and seized, as described in Articles 33, 34 and 35, and concerning which a final seizure order has been made on behalf of the Dominican State, shall be administered and, if deemed necessary, distributed or auctioned by the National Drugs Commission, except where otherwise determined by the Executive.

Article 36. - Publications, advertising, propaganda or programmes on the communications media, of whatever kind, containing encouragement and subliminal auditory, printed or audiovisual messages tending to promote the consumption of controlled drugs and substances and illicit traffic in them is prohibited.

Article 37. - The following chemical, basic and essential substances are regarded as inputs for the manufacture of dangerous substances, and are therefore recommended for special and priority attention on the part of the authorities:

- a) Anthranilic acid and *N*- Acetylanthranilic acid, used to manufacture methaqualone;
- b) Phenyl-2-propanone and Phenyl acetic acid, used to manufacture amphetamine and methamphetamine;
- c) Piperidine, used to manufacture phencyclidine (PCP);
- d) Alkaloids of the ergot of rye, ergotamine and ergonovine, used to manufacture lysergic acid diethylamide (LSD);
- e) Acetone, used in the extraction, synthesis and preparation of heroin and cocaine;
- f) Ethyl ether, used in the synthesis of heroin and cocaine, acetic anhydride, used to make heroin;
- g) acetylene chloride, used to make heroin.

Article 38. - There shall be established two Categories of Registration Certificates for controlled drugs:

Class A. - Certificates giving the right to prescribe or administer controlled drugs, for doctors, dentists or veterinary surgeons, legally authorized by the Ministry of Public Health and Social Welfare, for whom their use shall be compulsory, and which shall last for three (3) years from the date of issue, and must be renewed at the end of this period.

Class B. - Certificates for the import, export, manufacture or sale of controlled drugs, which shall last for one (1) year from the date of issue, and must be renewed at the end of this period.

Article 39. - A duty shall be payable on registration certificates for controlled drugs, designed by the National Drug Control Directorate, as follows:

A duty of one hundred and fifty pesos (RD\$150.00) shall be payable on those in Class A.

A duty of five hundred pesos (RD\$500.00) shall be payable on those in Class B.

Article 40. - In order to import or export any controlled substance, its preparations or pharmaceutical products containing them, it is essential to hold a Registration Certificate in Class B. Manufacturers, importers, exporters, distributors and vendors of inputs for the manufacture of controlled substances must obtain a Certificate in this class under the conditions laid down in this Law.

Article 41. - Importers or exporters of pharmaceutical products or of any chemical, basic or essential substance, or its immediate precursors, or the inputs to which Article 8 of this Law refers, shall make a written request to the appropriate department of the Ministry of Public Health and Social Welfare for a special permit, issued in one of the forms designed by the National Drug Control Directorate, and printed specially for this purpose.

PARAGRAPH: These forms must be prepared in quintuplicate and distributed, one to the importer or exporter to be sent to the exporting or importing agency, another to the office responsible for the control of controlled drugs in the exporting or importing country, another to the Customs Collector, another to the archives of the Ministry of Public Health and Social Welfare, and another to the archives of the National Drug Control Directorate.

Article 42. - Permits for the import or export of controlled drugs or pharmaceutical products containing them, and their inputs, shall be valid for a period of ninety (90) days from the date of issue.

Article 43. - The Ministry of Public Health and Social Welfare shall suspend the Registration Certificates referred to in Article 38 of this Law, if issued to any natural or legal person who is charged with a breach of this Law, pending final judgment in the case.

Article 44. - When any consignment of imported controlled substances fails to arrive within the period allowed for in the permit, the holder shall inform the Ministry of Health and Social Welfare, in order to obtain a fresh permit.

Article 45 . - (Amended by Law no. 35-90, of 7 June 1990). Controlled substances may generally enter the country only through the Port of Haina, the Port of Santo Domingo, or the international airport of the Americas, and their use and sale will be strictly subject to the provisions and prohibitions laid down in this Law.

PARAGRAPH: The customs authorities shall be responsible for receiving the chemical, basic and essential substances, and the immediate precursors, and the inputs specified in Article 8 of this Law, and it shall be for the National Drug Control Directorate to verify their quantity, authenticity and legality.

Article 46. - The customs office of Santo Domingo shall hand over to the Ministry of Health and Social Welfare, against a receipt the duplicate of which shall be given to the importer concerned, all the imported controlled substances, and the inputs to which Article 8 of this Law refers, to be kept in storage in the warehouses designated by the Ministry for this purpose. The consignment shall be handed over once the importer has paid the appropriate taxes, and shall be effected by the official or employee of the Ministry specially authorized in writing to receive it and to take it to the prescribed warehouses, in accordance with the provisions of this Law.

PARAGRAPH: The Ministry of Health and Social Welfare shall keep the drugs in its warehouses and shall issue to the persons concerned, against an order in writing sent by them to the Ministry, the quantity necessary to cover their sales or those which they will need to use during a period of approximately thirty days, to meet the ordinary needs of their establishments. The order shall contain the names and addresses of the persons for whom the amounts of controlled substances withdrawn are intended.

Article 47. - It is compulsory for manufacturers or vendors to keep a record of any reductions in weight or volume of controlled drugs or inputs, when these are due to atmospheric conditions, and to send the record in writing to the Ministry of Public Health and Social Welfare and to the National Drug Control Directorate, as soon as the reductions are identified.

Article 48. - Any person or entity who delivers a prescription by a doctor, dentist or veterinary surgeon, must retain it for one (1) year from the date of issue, to enable it to be readily inspected by the National Drug Control Directorate, or by any authorized official or employee of the Ministry of Public Health and Social Welfare, and shall send a copy to the appropriate government department no later than ten (10) days after dispensing.

Article 49. - Doctors, dentists and veterinary surgeons holding a Class A certificate for prescribing or administering controlled drugs may keep in their emergency kit not more than two ampoules of the controlled drugs specified in Categories II, III and IV of Article 8 of this Law, which may be replaced against a prescription issued for the person to whom the drug has been given; the prescription must be sent to the Ministry of Health and Social Welfare within ten (10) days.

Article 50. - The Inland Revenue counterfoils for the purchase and sale of controlled drugs, designed by the National Drug Control Directorate, may only be handled by persons or establishments holding Class B Registration Certificates, and purchase orders may only be signed by the owners or registered pharmacists of the establishments in question. Signing these orders, if done by any other person not being the owner or the registered pharmacist shall, unless endorsed by an official authorization signed by the competent person, be regarded as a breach of this Law.

Article 51. - The Office of Inland Revenue shall be responsible for preparing and supplying to all the Inland Revenue Collectors official counterfoils for these orders, numbered sequentially and issued in triplicate, bound into books or in blocks, with carbon paper to be used between the printed original and the duplicates.

PARAGRAPH I. The blocks or books, consisting of one hundred sheets, will be sold by the Inland Revenue collectors at a price to be fixed by the Office, not to exceed the cost of printing, to any person duly registered in accordance with this Law.

PARAGRAPH II. The Office of Inland Revenue, with the approval of the Ministry of Finance, shall prepare and supply all the types of forms designed by the National Drug Control Directorate which are required for the purposes of this Law.

Article 52. - The industrial production, extraction, synthesis, elaboration, import, export, transport or distribution in any form, sale, or any act connected with trading in or supplying controlled drugs, their derivatives or any product deemed to be such, and the inputs specified in Article 8 of this Law, shall be governed by the provisions of the international treaties and conventions on this subject which have been signed and ratified by this country.

Article 53. - A Multidisciplinary Commission shall be established under the auspices of the Ministry of Public Health and Social Welfare, to advise the competent Public Prosecutor. It shall be composed of a doctor representing the Ministry, a representative of the Dominican Medical Association (AMD), a medical official of the National Drug Control Directorate, and a doctor representing the office of the Attorney General of the Republic. It shall be responsible for defining the degree of addiction or dependence of the consumers who fall into the category of mere possessors of the controlled drugs covered by this Law, and who have been charged with the offence.. This Commission shall have its seat in the capital of the Dominican Republic, but with national jurisdiction, and shall set up sub-commissions where it is possible to appoint the officials mentioned above. Where this is not possible, the Sub-Commission concerned shall consist of the Public Prosecutor and a doctor from the Ministry of Health and Social Welfare.

PARAGRAPH: (Amended by Law no. 17-95 of 17 December 1995). This commission shall reach a verdict and make a recommendation to the court dealing with the case as to whether the indicted person should be sent to a public or specialized centre for the purpose of detoxification, rehabilitation and social readjustment, or whether he or she should be prosecuted.

Article 54. - The definition of addict or drug-dependent will be made after the Public Prosecutor has sent the persons indicted for consumption of drugs in the

category of mere possessors before the Multidisciplinary Commission, which shall recommend to the court dealing with the breach of this Law the rehabilitation of any indicted person submitted for assessment, the degree of addiction or drug-dependence to be determined in a public or private centre until a cure has been effected, and/or prosecution if this is not the case.

PARAGRAPH I: (Added by Law no. 17-95 of 17 December 1995). The court dealing with the case shall be empowered to grant a period of fifteen (15) days to the Multidisciplinary Commission to submit its report on the state of addiction of the accused person.

PARAGRAPH II: The period of rehabilitation will be calculated into the penalty imposed on an offender by way of sanction under this Law, and shall definitively exempt him from such penalty if the cure has been complete.

PARAGRAPH III. The Public Prosecutor is empowered to prescribe whatever security and monitoring arrangements as he deems appropriate for a person undergoing rehabilitation.

Article 55. - In the absence of a public rehabilitation centre, the court may provide that the accused person be detained in a private centre, in which case the costs incurred shall be borne by the accused person, members of his family and other sources.

Article 56. - Every person who has complied with the requirements laid down for his complete rehabilitation must present a certificate from the institution in which he has been detained. This certificate shall be presented to the judge responsible for the case, who shall make a final award of discharge of the accused.

PARAGRAPH: If the person interned for the purpose of rehabilitation fails to complete it, the time spent in treatment shall not be taken into account.

Article 57. - The Ministry of Health and Social Welfare, through the Multidisciplinary Commission which shall operate under its auspices, shall take responsibility for the treatment and rehabilitation of the persons addicted to drug use for whom treatment has been ordered.

CHAPTER V OFFENCES AND PUNISHMENTS

Article 58. - The following shall be regarded as serious offences under this Law, and accordingly punished with the maximum penalties and fines:

- a) Illicit trafficking;
- b) The manufacture or possession of materials or equipment which is used or intended for use in the illicit production or manufacture of controlled drugs or substances;
- c) The acquisition, possession, transfer or "laundering" of money or other assets and of profits derived from or used in illicit traffic.

PARAGRAPH: Illicit trafficking shall be regarded as an international offence.

Article 59. - A person who brings controlled drugs onto the national territory or removes them from it in international traffic destined for other countries will be punished by imprisonment of five (5) to twenty (20) years, and with a fine of at least two hundred and fifty thousand pesos (RD\$250,000).

PARAGRAPH I: If the agent brings controlled drugs onto the national territory as the final destination of the traffic, the punishment will be thirty (30) years and a fine of not less than one million pesos (RD\$1,000,000).

PARAGRAPH II: The Dominican criminal law shall apply to acts committed abroad when acts directed at their commission, or any transactions in goods resulting from such offences relating to controlled drugs, have been carried out within the national territory.

Article 60. - When two or more persons associate together for the purpose of committing offences defined in and sanctioned by this Law, each of them shall be punished on this ground alone by a term of imprisonment from three (3) to ten (10) years, and a fine of from ten thousand (RD\$10,000) to fifty thousand pesos (RD\$50,000).

PARAGRAPH: The promoters, leaders or managers of the illicit association shall be punished by twice the term of imprisonment or amount of the fine laid down in this article.

Article 61. - A person who, for unlawful purposes, uses or prepares to use an establishment for the consumption, sale or supply of controlled drugs will be punished by imprisonment of from three (3) to ten (10) years, and a fine of ten thousand (RD\$10,000) to fifty thousand pesos (RD\$50,000), and the establishment shall be temporarily closed for a period of two years. If the offence is repeated, or if the establishment has been destined primarily or exclusively for the purposes described in this article, its closure shall be final.

PARAGRAPH: The proprietor, lessee, administrator or owner under any title of a building or establishment who uses it or makes it available to another person in the knowledge that it is being or will be used to prepare, store, sell, cultivate or permit the consumption of controlled drugs in an unlawful manner shall be punished by the same term of imprisonment.

Article 62. - Persons who for unlawful purposes purchase, sell or transfer, under any pretext, pharmaceutical products controlled by this Law will be punished by imprisonment of three (3) to ten (10) years, and a fine of ten thousand (RD\$10,000) to fifty thousand pesos (RD\$50,000).

Article 63. - (Deleted by Law no. 17-95 of 17 December 1995).

Article 64. - Persons who without permission from the competent authority cultivate plantations of marihuana, or more than one (1) pound of its seeds, or any

other plant from which cocaine, heroin or any controlled drug resulting in dependence can be produced, or more than one quarter (1/4) of a kilogram of seeds of such plants, shall be regarded as traffickers, and accordingly punished by imprisonment of from five (5) to twenty (20) years, and a fine of fifty thousand (RD\$50,000) to two hundred and fifty thousand pesos (RD\$250,000).

PARAGRAPH I: If the quantity of plants to which this article refers is above twenty (20) but does not exceed one hundred (100), the penalty shall be from three (3) to ten years (10) of imprisonment, and a fine of ten thousand (RD\$10,000) to fifty thousand pesos (RD\$50,000).

PARAGRAPH II: If the quantity of plants to which this article refers does not exceed twenty (20), the penalty will be from two (2) to five (5) years imprisonment, and a fine of two thousand (RD\$2,000) to ten thousand pesos (RD\$10,000).

Article 65. - Persons who produce, extract, purify, crystallize, recrystallize or synthesize, wholly or in part, the controlled drugs in Category I, as defined in Article 8 of this Law, will be punished by a term of imprisonment of from five (5) to twenty (20) years, and a fine of fifty thousand (RD\$50,000) to two hundred and fifty thousand pesos (RD\$250,000).

Article 66. - The importers, manufacturers, distributors and vendors of chemical, basic and essential substances, and of immediate precursors and inputs authorized for the manufacture of controlled substances or of preparations or pharmaceutical products containing them, who fail to comply with the provisions of Articles 32, 40, 41, 42 and 47 of this Law, shall be punished by the withdrawal for one (1) year of their import permit or certificate, and a fine of fifty thousand (RD\$50,000) to one hundred thousand pesos (RD\$100,000).

Article 67. - Firms of importers, manufacturers, distributors and vendors, and pharmacies or commercial premises authorized to sell controlled substances or preparations or pharmaceutical products containing them, whose existing stocks are not in accordance with their inventories and registers, shall be punished by temporary closure for one (1) year of their establishments, and a fine of fifty thousand (RD\$50,000) to one hundred thousand pesos (RD\$100,000).

Article 68. - Owners, registered pharmacists or employees of pharmacies or commercial premises authorized for the sale of medicaments, who dispense narcotic drugs or drugs containing controlled substances without complying with the formalities prescribed in Articles 31 and 48 of this Law, will be punished as follows:

- a) The owners by closure of their establishments for a period of six (6) months and a fine of between twenty-five thousand (RD\$25,000) and fifty thousand pesos (RD\$50,000);
- b) The registered pharmacists by one (1) year's suspension from practice, and a fine of ten thousand pesos (RD\$10,000);
- c) The employees by six (6) months corrective detention and a fine of five hundred pesos (RD\$500).

Article 69. - A person illegally in possession of elements used for the processing of cocaine or of any drug which produces dependence, such as ethyl ether, acetone, ammonia, potassium permanganate, carbonato liviano, sulphuric acid, dilutants, dissolvants and other substances used for the same purpose, will be punished by a term of imprisonment of two (2) to five (5) years, and a fine of two thousand (RD\$2,000) to ten thousand pesos (RD\$10,000).

Article 70. - Doctors, dentists and veterinary surgeons who fail to comply with the provisions of Articles 31, 38 and 49 of this Law will be punished by revocation of their licences to practise their respective professions for a period of one (1) year, and a fine of five thousand pesos (RD\$5,000).

PARAGRAPH: A professional whose licence is revoked for a breach of this Law and who continues to provide medical services or care during the period of revocation, will be punished by a term of imprisonment of two (2) to five (5) years, and a fine of five thousand (RD\$5,000) to ten thousand pesos (RD\$10,000).

Article 71. - Following commission of an offence relating to controlled drugs, any person who without having participated in the offence, assists in securing advantage, eluding investigation by the authorities, or evading action taken by the authorities or the execution of the penalty, shall be punished for concealment, by imprisonment of two (2) to five (5) years, and a fine of two thousand (RD\$2,000) to ten thousand pesos (RD\$10,000).

Article 72. - A person who knowingly, acting alone or through an intermediary, either a natural or a legal person, carries out with other persons or with commercial establishments or establishments of any other kind, commercial transactions of any kind, or provides false information for operations of the same kind, with money obtained from activities involving illicit traffic in controlled drugs, will be punished for concealment by imprisonment of two (2) to five (5) years, and a fine of two thousand (RD\$2,000) to ten thousand pesos (RD\$10,000).

PARAGRAPH: If the person guilty of concealment is a legal person, the penalty will be suspension of activity for one (1) year, and a fine of fifty thousand (RD\$50,000) to one hundred thousand pesos (RD\$100,000).

Article 73. - Following commission of an offence relating to illicit traffic in controlled drugs, any person who, without having participated in the offence, hides, acquires or receives money, securities and objects, or acts in any other manner to acquire, obtain and conceal them, will be punished for concealment by imprisonment of two (2) to five (5) years, and a fine of two thousand (RD\$2,000) to ten thousand pesos (RD\$10,000).

Article 74. - Commercial and other establishments which conceal activities relating to money and securities obtained from illicit traffic in controlled drugs, in breach of the provisions of this Law, will be punished by final and irrevocable closure, and a fine of one hundred thousand (RD\$100,000) to five hundred thousand pesos (RD\$500,000).

Article 75. - In the case of mere possession, the offender or offenders will be punished by imprisonment of six (6) months to two (2) years, and a fine of one thousand five hundred (RD\$1,500) to two thousand five hundred pesos (RD\$2,500).

PARAGRAPH I: In the case of distributors and vendors, and of intermediaries, the offender or offenders will be punished by imprisonment of three (3) to ten (10) years, and a fine of ten thousand (RD\$10,000) to fifty thousand pesos (RD\$50,000).

PARAGRAPH II: In the case of traffickers, the offender or offenders will be punished by imprisonment of five (5) to twenty (20) years, and a fine of at least the value of the drugs confiscated or involved in the operation, which shall in no case be less than fifty thousand pesos (RD\$50,000).

PARAGRAPH III. In the case of sponsors, the offender or offenders will be punished by imprisonment of thirty (30) years, and a fine of at least the value of the drugs confiscated or involved in the operation, which shall in no case be less than one million pesos (RD\$1,000,000).

Article 76. - Sums resulting from fines imposed for breaches of this Law, from duties paid for Registration Certificates, and from the sale of confiscated goods, shall be used to finance the activities of public and private institutions lawfully established to develop and implement programmes of prevention, rehabilitation and education, against the use, abuse, consumption, distribution and illicit traffic in drugs and controlled substances in the Dominican Republic, and those of any other public or private institution lawfully established to implement health programmes.

PARAGRAPH: (Amended by Law No. 17-95 of 17 December 1995). The National Drugs Council shall administer and distribute the funds in the following manner:

- a) 15% for institutions dedicated to the rehabilitation of drug addicts;
- b) 15% for the Ministry of Sport, Physical Education and Recreation, for the practice of sport;
- c) 40% for the National Drug Control Directorate, to be used in accordance with its needs;
- d) 20% for the National Drugs Council, for drug prevention and education;
- e) 10% for the National Association for Aid to Civilian Fire Brigades, to be distributed equally among the brigades.

Article 77. - Accomplices in each case will be awarded the penalty immediately below, but in the case of mere possession the same penalty will be imposed on the person or persons found guilty as on the principal offender.

Article 78. - The illegal holding or possession of any drug controlled by this Law shall be punished by the penalties laid down for mere possession, unless the quantities involved fall within other established categories to which fixed penalties apply.

Article 79. - Foreign nationals who are involved in the commission of any offence covered by this Law may not be deported, repatriated or expelled from the country until the criminal procedure has been completed; and if they are found guilty, until they have served the sentences imposed on them.

PARAGRAPH: Foreign nationals who have served the sentence imposed shall be deported or expelled from the country even if they have established lawful domicile in the national territory, and shall be prohibited from re-entering.

Article 80. - (Amended by Law 17-95 of 17 December 1995). In the event of a breach of this Law, searches may be made at any hour of the day or night, with a written order stating the reason for the search, issued by the Public Prosecutor or Prosecutor of the appropriate Court, or by the Attorney General of the Republic, in the presence of a representative of the Public Ministry.

Article 81. - No person who has been convicted for a breach of this Law, including a national of any foreign country, or who has been found to be addicted to drugs may obtain a licence from the competent authorities to own or possess firearms, from the moment of the final judgment or the official finding of addiction. Public officials or employees who are responsible for issuing such licences shall be prevented from doing so in if any of the above circumstances exist in the case of the applicant.

Any such licence which has been issued prior to the judgment or declaration of addiction will immediately be cancelled by the competent authorities.

Article 82. - The Ministry of Health and Social Welfare, through the appropriate department, shall cooperate with the public national or international institutions in all matters relating to the prevention and suppression of illicit traffic in controlled substances and the elimination of their abuse. To achieve this aim, the Ministry is authorized to:

- a) Take steps to exchange information between government officials and employees regarding the use and abuse of controlled substances;
- b) Cooperate in the institution and conduct of judicial and administrative proceedings;
- c) Conduct training programmes for staff responsible for ensuring compliance with the Law on Drugs and Controlled Substances;
- d) In coordination with the Ministry of Agriculture and the National Forestry Department, develop eradication programmes to eliminate the wild or illicit growing of plant varieties from which controlled substances, or substances causing dependence, can be extracted.

Article 83. - Investigations by the competent authorities into offences relating to illicit traffic in controlled drugs may be initiated at the request of, or in cooperation with, the State in which the offences have been committed.

PARAGRAPH: Evidence obtained from abroad relating to the investigation of offences defined and sanctioned in this Law shall be assessed according to the

standards applying in the matter in the Dominican Republic, and according to the standards of international law.

Article 84. - The first instance courts shall have primary jurisdiction to deal with breaches of this Law.

Article 85. - The following are aggravating circumstances as regards illicit traffic in controlled drugs, and consequently fall within the ambit of Articles 56, 57 and 58 of the Dominican Criminal Code:

- a) The export or import, production, manufacture, distribution or sale of controlled drugs or pharmaceutical products which are adulterated or based on adulterated substances;
- b) The participation of organized criminal groups;
- c) The fact of having committed the offence in a gang or as a member of a gang engaged in illicit traffic in controlled drugs, if in addition to committing the offence in a gang, the offender has promoted, organized, financed or directed the gang;
- d) The use of firearms or violence;
- e) When the offender has entered the national territory by a ruse or by deception or without legal authority, without prejudice to any other offences which may have been committed;
- f) The use of minors to carry out the offence, and of persons with mental defects or habits or where such use can be inferred;
- g) The fact of having committed the offence in a building occupied in the capacity of a tutor or guardian;
- h) When the person committing the offence holds a public office, or is a public official or servant responsible for the prevention or investigation of any offence, or has the duty of imposing penalties or monitoring their execution, or is a member of an educational profession or acts as such at any level of education, or is a professional exercising any health profession;
- i) The use of schools and universities, or of their surroundings up to a distance of twenty-five (25) metres from the boundaries, or of public or private institutions, such as prisons, barracks or offices, of entities engaged in the prevention, diagnosis, treatment and rehabilitation of drug addicts, or of welfare, cultural, sporting, recreational or vacational premises, of places in which public performances or entertainments or similar activities are held, etc., as centres for drug use or operations;
- j) Re-offending.

PARAGRAPH I: A re-offence will be punished with the maximum penalty applicable to the category of violation committed.

PARAGRAPH II: In the case of re-offending traffickers or sponsors, the penalty or fine in each case will be double that prescribed for the offence, but imprisonment may in no circumstances exceed thirty (30) years.

Article 86. - Persons guilty of violating the provisions of this Law, whether natural or legal persons, shall not enjoy the benefit of the attenuating circumstances laid down in Article 463 of the Dominican Penal Code.

Article 87. - For the purposes of this Law, the laws establishing provisional liberty under bail, conditional liberty and conditional remission of the penalty shall not apply.

Article 88. - Where the sanctions for violating the provisions of this Law constitute imprisonment or a fine, or both penalties together, preventive detention shall always be compulsory.

Article 89. - One (1) copy of all the judgments made by the competent courts in each case of a violation of this Law must be sent immediately to the National Drug Control Directorate for appropriate statistical purposes.

Article 90. - Under this Law is established a certificate of public recognition, entitled NATIONAL DRUG CAMPAIGN AWARD, which may be granted by the Executive at its discretion, having considered the recommendations of the competent bodies, to natural or legal persons distinguished for their activities in implementing preventive programmes and campaigns to combat drug use for the benefit of Dominican society.

Article 91. - Donations made by natural or legal persons towards preventive programmes or campaigns to combat drugs carried out by institutions lawfully established for that purpose shall be regarded as expenditure deductible from net taxable income, in accordance with Law no. 5911 of 22 May 1962 and any other Law in amendment thereof.

Article 92. - (Amended by Law 17-95 of 17 December 1995). Drugs confiscated for breaches of this Law must be destroyed, but their quality and degree of purity must first be analysed and tested.

Destruction must take place in the capital of the Republic, in the presence of a representative of the Public Ministry, the Ministry of Public Health and Social Welfare, the Dominican Medical Association, the National Drug Control Directorate and the National Drugs Council, access being granted by invitation to the press and the public in general, and a record being made and signed by the representatives of the aforementioned institutions, to whom a copy of the document shall be given.

Article 93.- Apart from the authorities mentioned in this Law, the national police force and the armed forces shall be responsible for ensuring full compliance with its provisions.

Article 94. - The Executive shall be responsible for issuing regulations for the passage, execution and application of this Law.

Article 95. - This Law derogates from and substitutes for Law no. 168 of 12 May 1975, and for any Law or legal provision contrary to it.

Article 96. - (Added by Law no. 35-90, of 7 June 1990). Execution of an award of Habeas Corpus shall be suspended if appealed in the ordinary way or by an application for annulment, provided the appeal relates to any of the offences defined in and sanctioned by Law no. 50-88, of 30 May 1988.

Article 97. - (Added by Law 17-95 of 17 December 1995). Criminal proceedings for the offences and crimes defined in this Law will be governed, as regards evidence, by the provisions of the following articles, and subsidiarily by the Code of Criminal Procedure.

Article 98. - (Added by Law 17-95 of 17 December 1995). Analysis of a confiscated substance shall be carried out in the presence of a representative of the Public Ministry specialized in chemical analysis.

Article 99. - (Added by Law 17-95 of 17 December 1995). a person who knowingly, by omission or commission, converts or transfers goods obtained from an office of illicit trafficking in controlled drugs or related offences covered in this Law, shall be punished by imprisonment of two (2) to five (5) years and a fine of RD\$50,000 (fifty thousand pesos at 00/100) to RD\$100,000 (one hundred thousand pesos at 00/100).

Article 100. - (Added by Law 17-95 of 17 December 1995). Any person who acquires, possesses, transfers, holds or uses goods knowing that these goods are the proceeds of illicit traffic in controlled drugs or related offences covered by this Law, will be punished by imprisonment of two (2) to five (5) years and fines of RD\$50,000 to RD\$100,000.

Article 101. - (Added by Law 17-95 of 17 December 1995). Any person who knowingly hides, conceals, or prevents detection of the nature, origin, location, destination, movement or ownership of goods or rights relating to property which has resulted from an offence of illicit drug trafficking or related offences covered in this law, will be punished by detention of two (2) to five (5) years and fines of RD\$50,000 (fifty thousand pesos) to RD\$100,000 (one hundred thousand pesos).

PARAGRAPH: For the purpose of this Law, related offences are the actions or activities defined in Articles 99, 100 and 101, intended to facilitate money laundering.

Article 102. - (Added by Law 17-95 of 17 December 1995). When two or more persons join together to participate in committing the acts contemplated or sanctioned in articles 100 and 101 of this Law, each of them will be punished by imprisonment of three (3) to ten (10) years and a fine of RD\$100,000 (one hundred thousand pesos) to RD\$250,000 (two hundred and fifty thousand pesos).

Article 103. - (Added by Law 17-95 of 17 December 1995). In all cases, attempted commission of the offences referred to above will be punished in the same manner as the crime itself.

Article 104. - (Added by Law 17-95 of 17 December 1995). Financial institutions which, with the knowledge of their governing organs of the persons with authority to direct their policies and operations, deliberately violate the provisions of articles 99, 100, 101 and 102, and any other provisions of this Law, regardless of any criminal responsibility on the part of the persons responsible for the offences of illicit drug trafficking, shall be punished by a fine of RD\$100,000 (one hundred thousand gold pesos) to RD\$250,000 (two hundred and fifty thousand gold pesos). When the

case warrants it, the competent court shall recommend to the Monetary Board, via the Banking Superintendent, cancellation of the licence under which the operations of the institution responsible are carried on. Employees, officials, directors and other authorized representatives who, acting in that capacity, deliberately violate the provisions of the legal texts referred to above, shall bear the same penalty.

Article 105. - (Added by Law 17-95 of 17 December 1995). The court dealing with a case of money laundering may at any time, without notification or prior hearing, make an order for the seizure or provisional freezing of funds, for the purpose of preserving the availability of the goods, products or instruments related to the illicit traffic and other related offences covered in this Law.

PARAGRAPH I: Financial institutions which surrender funds under this clause shall be exempt from liability towards persons affected solely by the surrender to the authorities of funds seized.

PARAGRAPH II: Goods which have been confiscated or seized by the National Drug Control Directorate shall pass immediately, under inventory, to the custody and care of the National Drugs Council, until a final judgment is made having the force of *res judicata*.

Article 106. - (Added by Law 17-95 of 17 December 1995). All goods, products or instruments connected with an offence of illicit traffic or related offences shall be confiscated, and if they cannot be confiscated because of some act or omission on the part of the convicted person, the court shall order confiscation of other goods of equal value belonging to the convicted person, and shall order the payment of a fine to that amount.

Article 107. - (Added by Law 17-95 of 17 December 1995). The competent court shall order the handing over of the goods, products or instruments to a claimant acting in good faith, provided he has a legitimate legal interest and that no fault or direct or indirect participation in an offence of illicit drug trafficking or related offences can be imputed to him.

Article 108. - (Added by Law 17-95 of 17 December 1995). In the case of goods or instruments confiscated under a final and irrevocable judgment which are not to be destroyed, the National Drugs Council shall arrange for their sale at public auction and shall award them to the highest bidder and final auctioneer. The funds obtained by this means shall be distributed in accordance with the provisions of the Paragraph to Article 76.

Article 109. - (Added by Law 17-95 of 17 December 1995). Financial institutions shall be bound to supply to the courts, to the National Drug Control Directorate and to the security organs of the State, via the Banking Superintendent, within the shortest possible time, any information required in relation to the commission of the offences referred to in articles 99, 101, 102, 103 and 104, and any others contained in this Law.

PARAGRAPH I: Financial and credit institutions, firms which transport funds or shipping firms which are not regulated by the governing organs of the

financial sector, shall provide the information requested by the court, the competent authority or the National Drug Control Directorate, through the tax administration in the shortest possible time.

PARAGRAPH II: A breach of this article shall be sanctioned by the penalties and fines laid down in Article 104 of this law.

Article 110. - (Added by Law 17-95 of 17 December 1995). The competent court shall cooperate with the competent court of another State with a view to providing mutual assistance in related cases of illicit trafficking, within the limits of their respective jurisdiction and the standards of international law.

Article 111. - (Added by Law 17-95 of 17 December 1995). The competent court may receive a request from a court or competent authority of another State to identify, detect, seize or confiscate goods, products or instruments related to an offence of illicit trafficking or related offences, and may take the necessary steps, including those indicated in this Law, provided the request is accompanied by a court order or judgment issued by the authority and in accordance with the legal norms of the Dominican Republic and of international law.

Article 112. - (Added by Law 17-95 of 17 December 1995). The court may receive or take appropriate steps concerning a request by a court or competent authority of another State to provide assistance in relation to an investigation or criminal proceedings dealing with an offence of illicit trafficking or related offences.

Article 113. - (Added by Law 17-95 of 17 December 1995). Legal provisions relating to banking secrecy or confidence shall not constitute an impediment to compliance with this Law when the information is requested by a competent court through the governing organs of the financial sector.

Article 114. - (Added by Law 17-95 of 17 December 1995). a person who knowingly, acting alone or through an intermediary, discloses information or betrays its confidentiality, for the purpose of evading investigation by the competent authority relating to the offences of money laundering, shall be punished by imprisonment of two (2) to five (5) years and a fine of RD\$10,000 (ten thousand gold pesos) to RD\$50,000 (fifty thousand gold pesos).

Article 115. - (Added by Law 17-95 of 17 December 1995). Movable or immovable property which is leased or sold conditionally by a natural or legal person accredited in the country in which it is used in committing an offence of illicit drug trafficking shall not be subject to seizure for the purpose of confiscation, unless the competent authority proves the existence of a delictual connection between the owner of the property and the person who hires or sells it.

Article 116. - (Transitional). (Added by Law 17-95 of 17 December 1995). This Law will enter into force jointly with the Regulation on implementation and execution provided by Article 94 of Law 50-88, concerning Drugs and Controlled Substances in the Dominican Republic.

GIVEN in the Hall of Sessions of the Senate, Palace of the National Congress, at Santo Domingo de Guzman, National District, Capital of the Dominican Republic, on the fifth day of May of the year one thousand nine hundred and eighty eight, the 145th year of independence and the 125th year of the Restoration.

Francisco a. Ortega Canela
President

Juan Jose Mesa Medina
Secretary

Rafael Mantolio Lonez
Secretary ad hoc

GIVEN in the Hall of Sessions of the Chamber of Deputies, Palace of the National Congress, in Santo Domingo Guzman, National District, Capital of the Dominican Republic, on the twenty-fourth day of the month of May of the year one thousand nine hundred and eighty eight, the 145th year of independence and the 125th year of the Restoration.

Luis Jose Gonzalez Sanchez
President

Luis E. Puello Dominguez
Secretary

Rafaela O. Albuquerque
Secretary

JOAQUIN BALAGUER
President of the Dominican Republic

In exercise of the functions conferred on me by Article 55 of the Constitution of the Republic,

I PROMULGATE this Law and order it to be published in the Official Gazette for public information and observance.

GIVEN in Santo Domingo de Guzman, National District, Capital of the Dominican Republic, on the thirtieth (30) day of May of the year one thousand nine hundred and eighty eight, the 145th year of independence and the 125th year of the Restoration.

JOAQUIN BALAGUER