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LAWS AND REGULATIONS

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

FEDERAL REPUBLIC OF GERMANY

Communicated by the Government of the Federal Republic of Germany

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

INDEX

	Page
E/NL.1974/20 Costs and Duties Order for official acts of the Federal Department of Health under the Narcotic Drugs Act, 18 December 1973	1
E/NL.1974/21 Sixth Order concerning substances placed on the same footing as narcotic drugs, 17 January 1974	4
E/NL.1974/22 Order concerning the prescription, dispensing and recording of the whereabouts of narcotic drugs, 24 January 1974	6
E/NL.1974/23 Order amending the Order concerning the supply of narcotic drugs, 25 March 1974	22
 Federal Law Gazette	 E/NL.1974/20
Part I, No. 108	
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COSTS AND DUTIES ORDER FOR OFFICIAL ACTS OF THE FEDERAL DEPARTMENT OF HEALTH UNDER THE NARCOTIC DRUGS ACT

18 December 1973

Pursuant to section 10 of the Act concerning the Trade in Narcotic Drugs as set forth in the Notification of 10 January 1972 1/ (Bundesgesetzblatt I, p. 1), it is hereby ordered as follows:

1/ Note by the Secretariat: E/NL.1972/51

Article 1

By virtue of this Order the Federal Department of Health shall charge costs (fees and expenses) for its official acts under the Narcotic Drugs Act and shall levy duties.

Article 2

(1) The following fees shall be charged for licences to deal in narcotic drugs:

1. Issue of a licence:

(a) For import	DM 600
(b) For export	DM 600
(c) For cultivation	DM 150
(d) For preparation	DM 150
(e) For manufacture (production, transformation, processing or prepackaging)	DM 1 500
(f) For acquisition	DM 600
(g) For dispensing	DM 600
(h) For supply	DM 600

2. Amendment or extension of a licence as regards:

(a) Area of validity	DM 60
(b) Period of validity	DM 30
(c) Legal status of the licensee	DM 60
(d) Other matters	DM 30

3. Extension of a licence to a field of application listed in sub-paragraph 1, items (a) to (h): one-third of the fee there specified.

(2) Where a licence covers more than one of the items listed in paragraph (1), the fee shall be two-thirds of the sum of the individual fees but not more than DM 2,500.

Article 3

A fee of DM 30 shall be charged on each occasion for permits, certificates, authentications, the inspection of records and written information of other than a simple nature.

Article 4

Expenses shall be charged in accordance with the provisions of the Administrative Costs Act.

Article 5

A fee or expense may be partly or completely waived where:

1. The official act is in the interests of science;
2. A licence is granted in order that narcotic drugs which are no longer needed may be delivered to another licensee;
3. A licence must be amended because a place of residence or street has been officially renamed; or
4. An official act is necessitated by a change in legislation.

Article 6

(1) Duties shall be levied on the importation of or dealings in:

1. Narcotic drugs mentioned in section 1, paragraph (1), sub-paragraphs 1 (b) and (c), of the Narcotic Drugs Act, narcotic drugs placed on the same footing as these, and preparations containing such narcotic drugs, with the exception of ecgonine, thebaine and the salts and preparations thereof, and
2. Preparations of opium where the morphine content exceeds 20 per cent.

The rate of duty shall be DM 150 per kilogramme of narcotic drug and, in preparations, per kilogramme of narcotic drug content.

(2) The duty shall be reimbursed on application if the narcotic drug is exported unchanged in form.

Article 7

This Order shall also apply in the "Land" of Berlin in accordance with article 14 of the Third Transition Act of 4 January 1952 (Bundesgesetzblatt I, p.1) in conjunction with article 4 of the Act amending the Opium Act of 22 December 1971 (Bundesgesetzblatt I, p. 2092).

Article 8

This Order shall enter into force on 1 January 1974. At the same time the Order of 26 September 1960 ^{2/} concerning the duty on narcotic drugs (Bundesgesetzblatt I, p. 774), as amended by the Order of 17 August 1966 (Bundesgesetzblatt I, p. 515), shall cease to have effect.

Bonn, 18 December 1973

Katharina Focke
Federal Minister for Youth, the Family and Health

^{2/} Note by the Secretariat: E/NL.1960/126

Federal Law Gazette

E/NL.1974/21

Part I, No. 6

23 January 1974

SIXTH ORDER CONCERNING SUBSTANCES PLACED ON THE SAME
FOOTING AS NARCOTIC DRUGS

(SIXTH EQUATING WITH NARCOTIC DRUGS ORDER)

17 January 1974

Pursuant to section 1, paragraphs (2), (3) and (6), section 4, paragraph (4), and section 7 of the Act concerning the Trade in Narcotic Drugs as set forth in the Notification of 10 January 1972 1/ (Bundesgesetzblatt I, p. 1), the Federal Government hereby orders as follows:

Article 1

The following substances and their salts shall be placed on the same footing as the substances mentioned in section 1, paragraph (1), sub-paragraph 1 (b) of the Narcotic Drugs Act:

1. DET
2. DMHP
3. DMT
4. Drotebanol 3/
5. Parahexyl

Article 2

(1) The provision of section 1, paragraph (2), item 9, of the Fifth Order concerning substances placed on the same footing as narcotic drugs of 6 April 1971 4/ (Bundesgesetzblatt I, p. 315) placing the substance nicodicodeine on the same footing as the substances mentioned in section 1, paragraph (1), sub-paragraph 1 (b), of the Narcotic Drugs Act is hereby abrogated.

(2) The following substances and their salts shall be placed on the same footing as the substances mentioned in section 1, paragraph (1), sub-paragraph 2, of the Narcotic Drugs Act: 1/

1. Nicodicodeine
2. Norcodeine
3. Propiram

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

4/ Note by the Secretariat: E/NL.1972/49

Article 3

Any person who, on the date of entry into force of this Order, is engaged in manufacturing or processing one or more of the substances equated under articles 1 and 2, or one or more of their salts, or preparations of the said substances or salts, shall be entitled, pending an enforceable decision on his application for a licence under section 3, paragraph (1), of the Narcotic Drugs Act, 1/ to manufacture or process such substances, salts or preparations to the same extent as before. If the application for a licence is not submitted within one month after the entry into force of this Order, the entitlement shall cease on the expiry of this time-limit.

Article 4

(1) Any person who, on the date of entry into force of this Order, has in his possession one or more of the substances equated under articles 1 and 2, or one or more of their salts, or preparations of the substances mentioned in article 1 or article 2, paragraph (2), item 3, or of their salts, shall be under a duty to report the fact to the Federal Department of Health (Federal Opium Office) within two weeks after the entry into force of this Order, giving particulars of the nature and quantity of such substances, salts or preparations.

(2) Any person who, on the date of entry into force of this Order, has in his possession one or more of the substances equated under articles 1 and 2, or one or more of their salts, or preparations of the substances mentioned in article 1 or article 2, paragraph (2), sub-paragraph 3, or of their salts, and who does not wish to apply for a licence under section 3, paragraph (1), of the Narcotic Drugs Act may within two weeks after the entry into force of this Order deliver or transfer the said substances, salts or preparations without such a licence to an enterprise authorized to trade in narcotic drugs. The enterprise shall be under a duty to notify the Federal Department of Health (Federal Opium Office), within three months after the entry into force of this Order, of the former owner and the nature and quantity of the substances, salts or preparations acquired.

(3) Paragraphs (1) and (2) shall not apply to persons who, under section 3, paragraph (4), of the Narcotic Drugs Act, 1/ do not require a licence.

Article 5

If the substances equated under articles 1 and 2, or one or more of their salts, or preparations of the substances mentioned in article 1 or article 2, paragraph (2), item 3, or of their salts, are contained in ready packages which are intended for dispensing to the public and which do not satisfy the requirements of the regulations issued under section 7 of the Narcotic Drugs Act 1/ concerning the marking of medicaments containing narcotic drugs, they may continue to be supplied in these packages by the manufacturer and in the wholesale trade for three months, and in pharmacies for six months, after the entry into force of this Order.

Article 6

The Federal Minister for Youth, the Family and Health shall publish in the Bundesgesetzblatt a list in alphabetical order of the substances so far placed on the same footing as the substances mentioned in section 1, paragraph (1), sub-paragraphs 1 (a) and (b) and sub-paragraph 2, of the Narcotic Drugs Act. 1/

Article 7

This Order shall also apply in the "Land" of Berlin in accordance with article 14 of the Third Transition Act of 4 January 1952 (Bundesgesetzblatt I, p. 1) in conjunction with article 4 of the Act amending the Opium Act of 22 December 1971 (Bundesgesetzblatt I, p. 2092).

Article 8

This Order shall enter into force on the day after its publication.

Bonn, 17 January 1974

Brandt
Federal Chancellor

Katharina Focke
Federal Minister for Youth, the Family and Health

Federal Law Gazette

E/NL.1974/22

Part I, No. 8

30 January 1974

ORDER
CONCERNING THE PRESCRIPTION, DISPENSING AND RECORDING
OF THE WHEREABOUTS OF NARCOTIC DRUGS
(NARCOTIC DRUGS PRESCRIPTION ORDER)

24 January 1974

Pursuant to section 1, paragraphs (5) and (6), section 5, paragraph (2), and section 8, paragraph (2), of the Act concerning the Trade in Narcotic Drugs as set forth in the Notification of 10 January 1972 1/ (Bundesgesetzblatt I, p. 1) and pursuant to article 35 of the Act of 30 June 1959 to introduce Federal law in Saarland (Bundesgesetzblatt I, p. 313), the Federal Government, with the assent of the Federal Council and in agreement with the Government of Saarland, hereby orders as follows:

I. FIELD OF APPLICATION

Article 1

(1) Narcotic drugs shall not be prescribed save in accordance with the provisions of sections II and IV of this Order.

(2) Narcotic drugs shall not be dispensed at pharmacies or the house dispensaries of medical practitioners or veterinary surgeons save in accordance with the provisions of sections III and IV of this Order.

(3) Records of the whereabouts of narcotic drugs shall be kept in accordance with the provisions of section V of this Order.

Article 2

The provisions of this Order shall also apply to:

1. Salts of the substances listed in this Order; save as otherwise provided in individual cases, the quantity specified for a substance shall also apply to its salts;
2. Preparations containing not more than 0.1 per cent cocaine or not more than 0.2 per cent morphine; and
3. Narcotic drugs which are on the market under a name other than that given in this Order.

Article 3

The provisions of this Order shall not apply to preparations which contain:

1. Up to 2.5 per cent, or up to 100 mg per separate form, of:
 - (a) Ethylmorphine
 - (b) Codeine
 - (c) Dihydrocodeine
 - (d) Pholcodine 3/ or
 - (e) One of the salts of the substances mentioned in items (a) to (d);
2. Up to 10 per cent standardized opium and at least an equal quantity of powdered ipecacuanha root, or
3. Per separate form, up to 2.5 mg of diphenoxylate or of any of its salts and at least 1 per cent of that quantity of atropine sulphate,

but which do not contain any other narcotic drug.

II. PRESCRIPTION

Article 4

Narcotic drugs shall not be prescribed by any medical practitioner, dentist or veterinary surgeon save with the restrictions laid down in this Order and where their use on or in the human body or the bodies of animals is justified. Such use is not justified, in particular, where the intended purpose can be achieved in other ways.

Article 5

- (1) The narcotic drugs listed in the annex shall not be prescribed.
- (2) Narcotic drugs shall not be prescribed qua substance.
- (3) Narcotic drugs shall not be prescribed as preparations save where their narcotic drug content does not exceed 20 per cent and, in preparations containing native alkaloids of opium mixed in their natural proportions, 50 per cent.

Article 6

(1) A medical practitioner may prescribe only one of the following narcotic drugs for a patient on any one day, subject to the maximum quantities and other restrictions concerning principal indication, strength, form in which dispensed and additives that are specified below:

1. Amphetamine
 - (a) For optical use 500 mg
 - or
 - (b) For other purposes 200 mg
2. Benzylmorphine 250 mg
3. Ketobemidone 100 mg
4. Cocaine 100 mg
 - (a) For optical use as a solution or an ointment up to a strength of 2 per cent, or
 - (b) For other purposes as a solution up to a strength of 1 per cent and with the addition of at least 0.1 per cent atropine sulphate
5. Diphenoxylate 50 mg
6. Dextromoramide 100 mg
7. Hydrocodone 200 mg
8. Hydromorphone 30 mg
9. Levomethadone 60 mg
10. Levorphanol 30 mg
11. Methamphetamine 100 mg
12. Methylphenidate 200 mg
13. Morphine 200 mg
14. Nicocodine 1 000 mg
15. Normethadone 200 mg
16. Opium, standardized, 2 000 mg
or the corresponding quantity of
a preparation containing native
alkaloids of opium mixed in their
natural proportions
17. Oxycodone 200 mg
18. Pethidine 1 000 mg

- | | |
|--|--------|
| 19. Phenmetrazine | 300 mg |
| 20. Phenmetrazine-8-chlorotheophyllinate | 600 mg |
| 21. <u>Piritramide</u> | 200 mg |
| 22. <u>Propiram</u> | 750 mg |
| 23. <u>Thebacon</u> | 200 mg |

(2) In cases of particularly serious illness a medical practitioner may prescribe for a patient, on any one day, one of the narcotic drugs mentioned in paragraph (1), items 3, 6, 8 to 10, 13, 14 16 to 18, 21 and 22, in more than the maximum quantity there specified but not more than twice that maximum quantity. In such cases he shall enter on the prescription, in his own handwriting, the annotation "Quantity medically justified".

(3) A medical practitioner shall not prescribe more than the following for the requirements of his surgery on any one day:

1. One of the narcotic drugs mentioned in paragraph (1), items 1 to 3 and 5 to 23, up to the maximum quantity there specified;

2. Cocaine 1 000 mg

For operations on the eye, larynx, nose, ear, throat or jaw:

- (a) As a solution up to a strength of 20 per cent, or
- (b) As optical tablets or as ointment up to a strength of 2 per cent,

or

3. Fentanyl: 5 mg

For pre-medication and anaesthesia, including neuroleptic analgesia.

(4) A medical practitioner may prescribe for the requirements of:

1. A hospital or a component unit of a hospital (station) that is under his direction or supervision, or
2. His own house dispensary

only the narcotic drugs mentioned in paragraph (1) and paragraph (3), items 2 and 3, subject to the other restrictions there specified besides the maximum quantities.

Article 7

(1) A dentist may prescribe only one of the following narcotic drugs for a patient on any one day, subject to the maximum quantities specified below:

- | | |
|------------------------|--------|
| 1. Amphetamine | 200 mg |
| 2. Benzylmorphine | 250 mg |
| 3. <u>Ketobemidone</u> | 100 mg |

4.	<u>Diphenoxylate</u>	50 mg
5.	<u>Dextromoramide</u>	100 mg
6.	<u>Hydrocodone</u>	200 mg
7.	<u>Hydromorphone</u>	30 mg
8.	Levomethadone	60 mg
9.	<u>Levorphanol</u>	30 mg
10.	Methamphetamine	100 mg
11.	Methylphenidate	200 mg
12.	Morphine	200 mg
13.	<u>Niccodine</u>	1 000 mg
14.	<u>Normethadone</u>	200 mg
15.	Opium, standardized, or the corresponding quantity of a preparation containing native alkaloids of opium mixed in their natural proportions	2 000 mg
16.	<u>Oxycodone</u>	200 mg
17.	<u>Pethidine</u>	1 000 mg
18.	Phenmetrazine	300 mg
19.	Phenmetrazine-8-chlorotheophyllinate	600 mg
20.	<u>Piritramide</u>	200 mg
21.	<u>Propiram</u>	750 mg
22.	<u>Thebacon</u>	200 mg

(2) A dentist shall not prescribe more than the following for the requirements of his surgery on any one day:

1. One of the narcotic drugs mentioned in paragraph (1), up to the maximum quantity there specified;
2. Cocaine 1 000 mg

For operations on the jaw, as a solution up to a strength of 20 per cent, or

3. Fentanyl 5 mg

For pre-medication and anaesthesia, including neuroleptic analgesia.

(3) A dentist may prescribe for the requirements of a dental clinic or a component unit of a dental clinic (station) that is under his direction or supervision only the narcotic drugs mentioned in paragraph (1) and paragraph (2), items 2 and 3, subject to the other restrictions there specified besides the maximum quantities.

Article 8

(1) A veterinary surgeon may prescribe only one of the following narcotic drugs for an animal on any one day, subject to the maximum quantities specified below:

1. Amphetamine	1 000 mg
2. Benzylmorphine	250 mg
3. <u>Ketobemidone</u>	100 mg
4. <u>Diphenoxylate</u>	50 mg
5. <u>Dextromoramide</u>	100 mg
6. <u>Hydrocodone</u>	200 mg
7. <u>Hydromorphone</u>	30 mg
8. Levomethadone	250 mg
9. <u>Levorphanol</u>	30 mg
10. Methamphetamine	100 mg
11. Methylphenidate	200 mg
12. Morphine	500 mg
13. <u>Nicocodine</u>	1 000 mg
14. Normethadone	200 mg
15. Opium, standardized, or the corresponding quantity of a preparation containing native alkaloids of opium mixed in their natural proportions	15 000 mg
16. <u>Oxycodone</u>	300 mg
17. <u>Pethidine</u>	1 000 mg
18. Phenmetrazine	300 mg
19. Phenmetrazine-8-chlorotheophyllinate	600 mg
20. <u>Piritramide</u>	200 mg
21. <u>Propiram</u>	750 mg
22. <u>Thebacon</u>	200 mg

(2) In cases of particularly serious sickness a veterinary surgeon may prescribe for an animal, on any one day, one of the narcotic drugs mentioned in paragraph (1), items 3, 5, 7 to 9, 12, 13, 15 to 17, 20 and 21, in more than the maximum quantity there specified but not more than twice that maximum quantity. In such cases he shall enter on the prescription, in his own handwriting, the annotation "quantity justified for veterinary purposes".

(3) A verterinary surgeon shall not prescribe more than the following for the requirements of his surgery on any one day:

1. One of the narcotic drugs mentioned in paragraph (1), up to the maximum quantity there specified;
2. Cocaine 1 000 mg

For operations on the hoof, digits or eye:

- (a) As a solution up to a strength of 20 per cent, or
- (b) As optical tablets or as ointment up to a strength of 2 per cent,

or

3. Fentanyl 5 mg
 - (a) For pre-medication and anaesthesia, including neuroleptic analgesia, or
 - (b) For immobilization.

(4) A veterinary surgeon may prescribe for the requirements of an animal clinic or a component unit of an animal clinic (station) or a zoological garden that is under his direction or supervision only the narcotic drugs mentioned in paragraph (1) and paragraph (3), items 2 and 3, subject to the other restrictions there specified besides the maximum quantities.

Article 9

(1) Narcotic drugs may be prescribed only on an official form in three parts (parts I, II and III) with provision for carbon copies. This form shall not be used for prescribing other medicaments unless the prescription includes a narcotic drug.

(2) Parts I and II of the form are intended for presentation at the pharmacy; part III is retained by the prescriber. He shall store these carbon copies, in order of date of completion, for three years and shall on request send them in to the Federal Department of Health or the authority competent under "Land" law or produce them to representatives of that authority.

(3) The Federal Department of Health shall issue the official form referred to in paragraph (1); it shall supply the "Länder" with forms free of charge. For special purposes, in particular for use in hospitals, forms different in content may be issued by the Federal Department of Health.

(4) The forms shall be kept under lock and key.

Article 10

(1) A prescription shall contain the following particulars:

1. The surname, given name and address of the patient for whom the narcotic drug is intended; in veterinary prescriptions, the species of animal and the name and address of the animal's owner;
2. The date of completion of the form;
3. Components, quantities by weight and form in which dispensed; also, in the case of narcotic drugs in separate forms, the narcotic drug content per separate form and the number of units; in the case of prepackaged narcotic drugs, the name, form in which dispensed and narcotic drug content by weight per package unit and, in the case of separate forms, per separate form, and the number of units;
4. Directions for use, with single dose and daily dose; in addition, where amphetamine or cocaine is prescribed for a patient for optical use, a note of this principal indication;
5. The name, professional title and address of the prescribing medical practitioner, dentist or veterinary surgeon; if he is a "locum tenens", the corresponding particulars of the person for whom he is acting;
6. In the cases referred to in article 6, paragraph (2), and article 8, paragraph (2), the annotation there specified;
7. In the cases referred to in article 6, paragraph (3), article 7, paragraph (2), and article 8, paragraph (3), the annotation "Needed for surgery" instead of the particulars specified in items 1 and 4;
8. In the cases referred to in article 6, paragraph (4), article 7, paragraph (3), and article 8, paragraph (4), the names of the establishments there mentioned instead of the particulars specified in items 1 and 4;
9. The full signature of the prescribing medical practitioner, dentist or veterinary surgeon.

(2) The particulars specified in paragraph (1) shall be identical on all parts of the official form and shall be entered by the prescriber in his own handwriting using an indelible pencil or ball point pen. The particulars specified in items 1, 2, 5, 7 and 8 may also be typed or stamped. Quantities shall be given in Arabic figures and repeated in words.

III. DISPENSING

Article 11

Narcotic drugs shall not be dispensed against a prescription:

1. which, under articles 5 to 8 or article 14, paragraph (2), ought not to have been made out;
2. in which a provision of article 9, article 10 or article 14, paragraph (1), second sentence, has not been complied with, or
3. which was made out more than seven days previously.

Article 12

(1) The dispenser shall enter the following particulars on part I of the official form:

1. Name or firm and address of the pharmacy;
2. Date of dispensing, and
3. Signature of the dispenser.

(2) The manager of the pharmacy shall store the parts I, in order of date of dispensing, for three years and shall on request send them in to the Federal Department of Health or the authority competent under "Land" law or produce them to representatives of that authority. The parts II are intended for use for accounting purposes.

Article 13

Medical practitioners and veterinary surgeons shall not dispense narcotic drugs from their house dispensaries save subject to the provisions of article 4, article 5, paragraph (3), article 6, paragraphs (1) and (2), and article 8, paragraphs (1) and (2), applicable to prescription.

IV. PRESCRIPTION AND DISPENSING FOR THE FITTING-OUT
OF MERCHANT VESSELS

Article 14

(1) The prescription and dispensing of narcotic drugs for the fitting-out of merchant vessels shall be subject to articles 5 and 9 to 12. Prescriptions shall contain the particulars specified in paragraph (4), items 3 to 5, instead of the particulars specified in article 10, paragraph (1), items 1 and 4.

(2) Only a medical practitioner appointed by the competent authority may prescribe narcotic drugs for the fitting-out of merchant vessels. He may prescribe:

1. for merchant vessels having no ship's doctor, only the narcotic drugs mentioned in article 6, paragraph (1), items 8, 16 and 18, and
2. for merchant vessels having a ship's doctor, only the narcotic drugs mentioned in article 6, paragraph (1), items 7, 8, 11, 13 and 16 to 18.

In exceptional cases, instead of the narcotic drugs mentioned in the second sentence, other narcotic drugs mentioned in article 6, paragraph (1), may be prescribed for the fitting-out of merchant vessels that do not fly the Federal flag. The maximum quantities specified in article 6, paragraph (1), shall not apply.

(3) As an exceptional measure, narcotic drugs for the fitting-out of merchant vessels that fly the Federal flag may for the time being be dispensed by a pharmacy without a prescription if:

1. the medical practitioner referred to in paragraph (2) cannot be reached in time before the vessel sails;

2. the prescription conforms in nature and quantity to the Order concerning the care of the sick on merchant vessels and is made out only in order to replace narcotic drugs which have been consumed, which have become unusable, or which were procured outside the scope of the Narcotic Drugs Act;
3. the dispenser has first satisfied himself that the narcotic drugs still in stock correspond in nature and quantity to the entries in the narcotic drug register of the vessel, and
4. the dispenser arranges to be supplied with a receipt by the person responsible for ensuring proper care of the sick.

(4) The receipt referred to in paragraph (3), sub-paragraph 4, shall contain the following particulars:

1. nature and quantity of narcotic drugs dispensed (article 10, paragraph (1), item 3);
2. date of dispensing;
3. name of the vessel;
4. name of the shipowner;
5. port of registry of the vessel; and
6. autograph signature of the person responsible for the care of the sick.

(5) The dispenser shall without delay present the receipt referred to in paragraph (3), sub-paragraph 4, to the medical practitioner appointed by the competent authority for prescription "ex post facto". The said medical practitioner shall make out a prescription if the conditions laid down in paragraph (3), sub-paragraphs 1 and 2, are satisfied.

V. RECORDING OF WHEREABOUTS

Article 15

(1) Index cards in an official form showing the whereabouts of narcotic drugs shall be kept at:

1. pharmacies;
2. house dispensaries of medical practitioners and veterinary surgeons;
3. surgeries of medical practitioners, dentists and veterinary surgeons;
4. hospitals;
5. dental clinics;
6. animal clinics; and
7. zoological gardens.

If there are component units (stations) at the establishments mentioned in items 4 to 7, the records shall be kept there. Registers in an official form with consecutively numbered pages (narcotic drug registers) may be used instead of index cards at component units (stations).

(2) The manager of the pharmacy and, in the cases referred to in paragraph (1), items 2 to 7, the medical practitioner, dentist or veterinary surgeon responsible shall check at least once a month to ensure that the index cards or narcotic drug registers are being properly kept and, if any change has been made, shall append their signature and the date.

(3) The index cards or narcotic drug registers shall be stored for three years from the date of the last entry and shall on request be sent in to the Federal Department of Health or the authority competent under "Land" law or produced to representatives of those authorities. While the index cards or narcotic drug registers are in the possession of the authorities, provisional records shall be kept and shall be entered in the index cards or narcotic drug registers after their return.

(4) The Federal Department of Health shall issue the official forms referred to in paragraph (1).

VI. PROVISIONS CONCERNING FINES AND OTHER PENALTIES

Article 16

(1) Any person who:

1. As a medical practitioner, dentist or veterinary surgeon:

- (a) contrary to article 5, paragraph (1), prescribes any of the narcotic drugs listed in the annex;
- (b) contrary to article 5, paragraph (2), prescribes a narcotic drug "qua" substance; or
- (c) contrary to article 5, paragraph (3), prescribes a narcotic drug as a preparation whose narcotic drug content exceeds the specified maximum quantity;

2. As a medical practitioner, dentist or veterinary surgeon:

- (a) contrary to article 6, paragraph (1) or paragraph (2), first sentence, or article 7, paragraph (1), prescribes for a patient;
- (b) contrary to article 8, paragraph (1), or paragraph (2), first sentence, prescribes for an animal, or
- (c) contrary to article 6, paragraph (3), article 7, paragraph (2), or article 8, paragraph (3), prescribes for the requirements of his surgery

more than one of the narcotic drugs there mentioned on any one day, or such a narcotic drug in more than the specified maximum quantity or in breach of another restriction;

3. As a medical practitioner, dentist or veterinary surgeon, contrary to article 6, paragraph (4), article 7, paragraph (3), or article 8, paragraph (4), prescribes:

- (a) narcotic drugs for establishments other than those referred to therein, or,
- (b) narcotic drugs mentioned therein in breach of the other restrictions laid down;

4. As a medical practitioner or veterinary surgeon, dispenses narcotic drugs from his house dispensary contrary to article 13;
5. As a non-appointed medical practitioner, contrary to article 14, paragraph (2) first sentence, prescribes narcotic drugs for the fitting-out of merchant vessels; or
6. As an appointed medical practitioner, contrary to article 14, paragraph (2), second or third sentence, prescribes narcotic drugs other than those mentioned therein

shall be liable to a penalty under section 11, paragraph (1), item 9, sub-paragraph (b) of the Narcotic Drugs Act.

(2) Any person who, at a pharmacy:

1. (a) contrary to article 11, sub-paragraph 1, dispenses a narcotic drug against a prescription which under articles 5 to 8 or article 14, paragraph (2), ought not to have been made out, or
(b) contrary to article 11, sub-paragraph 3, dispenses a narcotic drug against a prescription which was made out more than seven days previously, or
2. Contrary to article 14, paragraph (5), first sentence, fails to present to the appointed medical practitioner the receipt for the narcotic drugs dispensed or fails to do so promptly

shall be liable to a penalty under section 11, paragraph (1), item 10, sub-paragraph (b), of the Narcotic Drugs Act.

Article 17

Any person who, intentionally or through negligence,

1. contrary to article 9, paragraph (1), first sentence, prescribes a narcotic drug otherwise than on the official form or, contrary to article 9, paragraph (1), second sentence, uses the form for prescribing other medicaments;
2. contrary to article 10, paragraph (1), article 12, paragraph (1), or article 14, paragraph (1), second sentence, fails to supply particulars or supplies them incorrectly or incompletely or, contrary to article 10, paragraph (2), fails to supply them in the prescribed form;
3. contravenes any provision of article 9, paragraph (2), second sentence, or article 12, paragraph (2), concerning the storage, sending in or production of records;
4. contravenes any provision of article 14, paragraph (4), items 1 to 5, concerning the contents of the receipt; or
5. contravenes any provision of article 15, paragraphs (1) to (3), concerning the keeping, checking, storage, sending in or production of index cards or narcotic drug registers or concerning provisional records

shall be deemed to be acting unlawfully within the meaning of section 13, paragraph (1), sub-paragraph 5, of the Narcotic Drugs Act.

VII. FINAL PROVISIONS

Article 18

The "Länder" shall be responsible for the application of this Order. For the purposes of the application of regulations connected with the introduction of the official form for narcotic drug prescriptions referred to in article 9, paragraph (1), this provision shall remain in force for a period of five years only.

Article 19

This Order shall also apply in the "Land" of Berlin in accordance with article 14 of the Third Transition Act of 4 January 1952 (Bundesgesetzblatt I, p.1) in conjunction with article 4 of the Act amending the Opium Act of 22 December 1971 (Bundesgesetzblatt I, p. 2092).

Article 20

(1) This Order shall enter into force on 1 April 1974. At the same time the Order of 19 December 1930 concerning the prescription of medicaments containing narcotic drugs and their dispensing at pharmacies (Reichsgesetzblatt I, p. 635), in the 6 April 1971 version (Bundesgesetzblatt I, p. 317), with the exception of section 11, section 18, section 28, paragraph (1), and section 29, paragraph (3), and the Saarland Order of 21 March 1952 amending and supplementing the Order concerning the prescription of medicaments containing narcotic drugs and their dispensing at pharmacies (Amtsblatt des Saarlandes, p. 397) in the 19 May 1953 version (Amtsblatt des Saarlandes, p. 377), with the exception of section 5 and section 7, paragraph (4), shall cease to have effect. The provisions remaining in force under the second sentence shall cease to have effect on 1 April 1977.

(2) The prescription forms in official use in Saarland at the time at entry into force of this Order may continue to be used there until 31 December 1974.

Bonn, 24 January 1974

Brandt
Federal Chancellor

Katharina Focke
Federal Minister for Youth, the Family and Health

ANNEX

(ad. article 5, paragraph (1))

NARCOTIC DRUGS WHICH SHALL NOT BE PRESCRIBED:

1. Acetorphine
2. Acetyldihydrocodeine
3. Acetylmethadol
4. Morphine ethers with the exception of ethylmorphine, benzylmorphine, codeine and pholcodine

5. Ethylmethylthiambutene
6. Ethylmorphine, if the content in a preparation exceeds 2.5 per cent or if the content per separate form exceeds 100 mg
7. Allylprodine
8. Alphacetylmethadol
9. Alphameprodine
10. Alphamethadol
11. Alphaprodine
12. Anileridine
13. Benzethidine
14. Betacetylmethadol
15. Betameprodine
16. Betamethadol
17. Betaprodine
18. Bezitramide
19. Cannabis
 - (a) The flowering or fruiting tops of plants of the genus Cannabis from which the resin has not been extracted
 - (b) Preparations of the substances mentioned in (a)
 - (c) Cannabis resin and preparations thereof
20. Clonitazene
21. Coca leaves and preparations thereof
22. Codeine, if the content in a preparation exceeds 2.5 per cent or if the content per separate form exceeds 100 mg
23. Codoxime
24. Desomorphine
25. DET
26. Dexamphetamine
27. Diampromide
28. Diethylthiambutene
29. Dihydrocodeine, if the content in a preparation exceeds 2.5 per cent or if the content per separate form exceeds 100 mg

30. Dihydromorphine
31. Dimenoxadol
32. Dimepheptanol
33. Dimethylthiambutene
34. Dioxaphetyl butyrate
35. Dipipanone
36. DMHP
37. DMT
38. DOM (STP)
39. Drotebanol
40. Ecgonine
41. Dihydromorphine esters
42. Ecgonine esters, with the exception of cocaine
43. Hydrocodone esters, with the exception of thebacon
44. Hydromorphone esters
45. Methylphenylpiperidin-carbonic acid esters (including properidine), with the exception of pethidine
46. Morphine esters (including diacetylmorphine and nicomorphine)
47. Oxycodone esters
48. Etonitazene
49. Etorphine
50. Etoxeridine
51. Furethidine
52. Hydromorphenol
53. Hydroxypethidine
54. Isomethadone
55. Levomethorphan
56. Levomoramide
57. Levophenacylmorphan
58. Lysergide

59. Mescaline
60. Metazocine
61. Methadone
62. Methadone intermediate
63. Methyldesorphine
64. Methyldihydromorphine
65. Metopon
66. Moramide intermediate
67. Morpheridine
68. Morphine-N-oxide and its derivatives and other pentavalent nitrogen morphine derivatives
69. Myrophine
70. Nicodicodine
71. Noracymethadol
72. Norcodeine
73. Norlevorphanol
74. Normorphine
75. Norpipanone
76. Oxymorphone
77. Parahexyl
78. Pethidine intermediate A
79. Pethidine intermediate B
80. Pethidine intermediate C
81. Phenadoxone
82. Phenampromide
83. Phenazocine
84. Phenomorphane
85. Phenoperidine
86. Pholcodine, if the content in a preparation exceeds 2.5 per cent or if the content per separate form exceeds 100 mg
87. Piminodine

88. Proheptazine
 89. Psilocine
 90. Psilocine-(eth)
 91. Psilocybine
 92. Psilocybine-(eth)
 93. Racemethorphan
 94. Racemoramide
 95. Racemorphan
 96. Raw cocaine
 97. Raw morphine, including poppy straw concentrate
 98. Raw opium
 99. Residues of prepared opium
 100. Tetrahydrocannabinol
 101. Thebaine
 102. Trimeperidine
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Part I, No. 30

27 March 1974

ORDER AMENDING THE ORDER CONCERNING THE SUPPLY OF NARCOTIC DRUGS

25 March 1974

Pursuant to section 4, paragraph (4), of the Act concerning the Trade in Narcotic Drugs as set forth in the Notification of 10 January 1972 1/ (Bundesgesetzblatt I, p.1), as amended by the Introductory Act to the Criminal Code of 2 March 1974 (Bundesgesetzblatt I, p.469), the Federal Government hereby orders as follows and, pursuant to section 4, paragraph (2), of that Act, the Federal Minister for Youth, the Family and Health hereby orders as follows:

Article 1

The Order of 17 November 1972 concerning the supply of narcotic drugs 5/ (Bundesgesetzblatt I, p.2141) is amended as follows:

5/ Note by the Secretariat: E/NL.1973/36

1. Article 1, paragraph (2), item 3, shall read as follows:

"3. Number of units, package unit or weight and name of the narcotic drug; in addition, in the case of prepackaged narcotic drugs, form in which dispensed and narcotic drug content by weight per package unit and, in the case of separate forms, per separate form; particulars of the narcotic drug content may be omitted provided that the narcotic drug concerned is not on the market in different strengths;"

2. In article 3, second sentence, the word "five" shall be replaced by the word "three".
3. In the title of section II, the words "without a supply voucher" shall be replaced by the words "against a purchase slip".
4. Article 4 is abrogated.
5. Article 5, paragraph (1), shall read as follows:

"(1) Patent medicines containing narcotic drugs which may be prescribed under the provisions of the Narcotic Drugs Prescription Order of 24 January 1974 6/ (Bundesgesetzblatt I, p.110), in the version in force at the time, may be dispensed at pharmacies and the house dispensaries of veterinary surgeons and purchased from them against a purchase slip as soon as the Federal Department of Health has allocated them a number (BGA No.)."

6. Article 5, paragraph (2), second sentence, item 3, shall read as follows:

"3. Number of units, package unit, specific designation of the narcotic drug, form in which dispensed and narcotic drug content by weight per package unit and, in the case of separate forms, per separate form; particulars of the narcotic drug content may be omitted provided that the narcotic drug concerned is not on the market in different strengths;"

7. The following sentence shall be added to article 6, paragraph (2):

"The Federal Department of Health may by statutory order permit further exceptions under the first sentence, provided that public safety and the control of trade in narcotic drugs continue to be assured."

8. In article 6, paragraph (3), first sentence, the words "tenth day" shall be replaced by the word "end".
9. In article 6, paragraph (3), second sentence, the word "five" shall be replaced by the word "three".
10. Article 10 is abrogated.

6/ Note by the Secretariat: E/NL.1974/22

Article 2

This order shall also apply in the "Land" of Berlin in accordance with article 14 of the Third Transition Act of 4 January 1952 (Bundesgesetzblatt I, p.1) in conjunction with article 4 of the Act amending the Opium Act of 22 December 1971 (Bundesgesetzblatt I, p.2092).

Article 3

This Order shall enter into force on 1 April 1974.

Bonn, 25 March 1974

Brandt
Federal Chancellor

Katharina Focke
Federal Minister for Youth, the Family and Health