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UNITED NATIONS

# 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.

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Federal Law Gazette, Part I
14 April 1971, No.31

E/NL.1972/49

# FIFTH ORDER CONCERNING SUBSTANCES PLACED ON THE SAME FOOTING AS NARCOTIC DRUGS

6 April 1971

Pursuant to section 1, paragraphs 2, 2a, 4, to section 4, paragraph 4, and to sections 7 and 12 of the Opium Act of 10 December 1929 (Reichsgesetzbl, I, p. 215), as last amended by the Introductory Law to the Law concerning Fineable Offences of 24 May 1968 (Bundesgetsetzbl. I, p. 503), and having regard to article 129 (1) of the Basic Law, the Federal Government hereby orders as follows:

## Section 1

(1) Raw morphine including concentrate of poppy straw shall be placed on the same footing as the substances mentioned in section 1, paragraph 1, sub-paragraph 1 (a) of the Opium Act.

(2) The undermentioned substances shall be placed on the same footing as the substances mentioned in section 1, paragraph 1, sub-paragraph 1 (b), of the Opium Act:

Acetorphine[1/]

Bezitramide

Codoxime

Dexamphetamine

DOM (STP)

Etorphine

Levomethadone

Methylphenidate

Nicodicodine

Phenmetrazine

Tetrahydrocannabinol

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

Section 2

Any person who, on the date of the entry into force of this Order, is engaged in the manufacture or processing of one or more of the substances placed on the same footing as drugs under section 1, paragraph 2, items 1 to 3, 5, 6 and 8 to 11, or one or more of their salts, or preparations of these substances or salts, may continue, pending a decision concerning his application for a licence under section 3, paragraph 1, of the Opium Act, to manufacture or process these 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 right to continue such manufacturing or processing shall cease at the end of the month in question.

Section 3

(1) Any person who, on the date of the entry into force of this Order, has in his possession one or more of the substances placed on the same footing as narcotic drugs under section 1, paragraph 2, items 1 to 3, 5, 6 and 8 to 11 or one or more of their salts, or preparations of these substances or salts, shall be required to report particulars of the nature and quantity of the substances, salts or preparations in question to the Federal Department of Public Health (Federal Opium Office) within two weeks after the entry into force of this Order.

(2) Any person who, on the date of the entry into force of this Order, has in his possession one or more of the substances placed on the same footing as narcotic drugs under section 1, paragraph 2, items 1 to 3, 5, 6 and 8 to 11 or one or more of their salts, or preparations of these substances or salts, and who does not wish to apply for a licence under section 3, paragraph 1 of the Opium Act may, within two weeks after the entry into force of this Order, deliver or sell these substances, salts or preparations without such a licence to an undertaking which is authorized to deal in narcotic drugs. The undertaking shall be required to report the name of the former owner and particulars of the nature and quantity of the substances, salts or preparations acquired to the Federal Department of Public Health (Federal Opium Office) within three months after the entry into force of this Order.

(3) The provisions in paragraphs (1) and (2) do not apply to persons who do not require a licence under section 3, paragraph 4, of the Opium Act.

Section 4

If the substances mentioned in section 1, paragraph 2, items 1 to 3, 5, 6 and 8 to 11 or one or more of their salts, or preparations of these substances or salts should be contained in packages for sale to the public which do not satisfy the requirements of the regulations issued pursuant to section 7 of the Opium Act concerning the advertising and labelling 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.

Section 5

The Federal Minister for Youth, Family and Public Health, shall publish, in the Federal Law Gazette, a list, arranged in alphabetical order, of the substances placed on the same footing as the substances mentioned in section 1, paragraph 1, sub-paragraphs 1 (a) and (b) of the Opium Act.

Section 6

This Order shall also apply to the Land Berlin insofar as it is put into force into the said Land.

Section 7

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

Bonn, 6 April 1971

BRANDT
Federal Chancellor

KÄTE STROBEL
Federal Minister for Youth,
Family and Public Health

E/NL.1972/50

Federal Law Gazette, Part I
14 April 1971

ORDER AMENDING THE ORDER CONCERNING THE PRESCRIPTION OF MEDICAMENTS CONTAINING NARCOTIC DRUGS AND THE DISPENSING OF SUCH MEDICAMENTS IN PHARMACIES

6 April 1971

Pursuant to section 1, paragraphs 4 and 5 and to sections 8 and 12 of the Opium Act of 10 December 1929 (Reichsgesetzbl.I, p. 215) as most recently amended by the Introductory Law to the Law concerning Fineable Offences of 24 May 1968 (Bundesgesetzbl.I, p. 503), and having regard to article 129 (1) of the Basic Law the Federal Government hereby decrees as follows:

Section 1

The Order concerning the prescription of medicaments containing narcotic drugs and the dispensing of such medicaments in pharmacies, in the version published on 24 April 1963 2/ (Bundesgesetzbl.I, p. 216), as amended by the Order for amending the Order concerning the prescription of medicaments containing narcotic drugs and the dispensing of such medicaments in pharmacies dated 23 February 1967 (Bundesgesetzbl.I, p. 227), 3/ is hereby amended as follows:

1. Section 7, paragraph 2, shall be amended as follows:

(a) Items 1 to 11 shall read:

"1. Acetorphine

2. Allylprodine

3. Benzethedine

4. Bezitramide

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2/ Note by the Secretariat: E/NL. 1963/84

3/ Note by the Secretariat: E/NL. 1969/10

5. Clonitazene

6. Diampromide

7. DOM(STP)

8. Ecgonine

9. Morphine esters, with the exception of Nicomorphine (4, 5-epoxy-17-methylmorphin-7-en-3,6-diyl-dinicotinic acid ester)

10. Etonitazene

11. Etorphine"

(b) Former items 8 to 29 shall become items 12 to 33.

(c) The words "34. Tetrahydrocannabinol" shall be inserted after the item "33. Psilocybin - (eth)".

2. In section 8, paragraph (2), first sentence, the words "morphine, nicomorphine or diacetylmorphine (heroin)" shall be replaced by the words "morphine or nicomorphine".

3. Section 9 shall be amended as follows:

(a) In paragraph (1) the words "15. Diacetylmorphine 0.03 g" shall be deleted.

(b) In paragraph (1) the following insertions shall be made:

after "13. Betaprodine 0.2 g" insert "14. Codoxime 0.2g";

after "14. Desomorphine 0.03 g" insert "16. Dexamphetamine 0.1 g";

after "39. Methyldihydromorphine 0.2 g" insert "41. Methylphenidate 0.2 g";

after "45. Narcophine 0.4 g" insert "48. Nicodicodine 0.2 g";

after "55. Phenadoxone 0.2 g" insert "59. Phenmetrazine 0.3 g".

(c) Former item 14 shall become item 15, former items 16 to 39 shall become items 17 to 40, former items 40 to 45 shall become items 42 to 47, former items 46 to 55 shall become items 49 to 58, former items 56 to 64 shall become items 60 to 68.

4. Section 10a shall be amended as follows:

(a) Paragraphs (2) and (3) shall be replaced by a paragraph (2), reading as follows:

"(2) Medicaments which contain ethylmorphine or codeine together with other active ingredients or which contain dihydrocodeine may be dispensed repeatedly against the same prescription, even in the absence of the particulars required under paragraph (1), if the individual dose shown in the instructions for use does not contain more than 0.1 g of ethylmorphine or codeine or 0.05 g of dihydrocodeine and if the prescription does not specify that repeated dispensing is not authorized. Such medicaments may, however, only be dispensed against the same prescription within six months following the date of its issue and dispensing may only be repeated a maximum of six times."

(b) Paragraphs (4) and (5) shall be replaced by a paragraph (3), reading as follows:

"(3) Paragraph (1) shall also apply to the prescription of medicaments containing:

1. Diphenoxylate if the medicaments in question are in the form of tablets and each tablet contains not more than 2.5 mg of diphenoxylate hydrochloride and in addition at least 0.025 mg of atropine sulphate. The medicament may not consist of more than 20 tablets;

2. Methylphenidate if the medicaments in question are in tablet or dragee form and each tablet or dragee contains not more than 10 mg methylphnidate hydrochloride. The medicament dispensed shall not consist of more than 20 tablets or 20 dragees;

3. Normethadone, if the medicaments are in the form of a solution and contain not more than 1 per cent of normethadone hydrochloride and, in addition, contain at least 2 per cent of 1-(4-hydroxyphenyl)-2-methylamino-propane-1-ol hydrochloride as well as at least 1 per cent of oxyethylated coconut-oil alcohol EO 18 (ethylene oxide); or

if they are in tablet form and each tablet contains not more than 7.5 mg of normethadone hydrochloride and contains, in addition, at least 10 mg of 1-(4-hydroxyphenyl)-2-methylamino-propane-1-ol hydrochloride as well as at least 6 mg oxyethylated coconut-oil alcohol EO 18 (ethylene oxide);

The medicaments as prepared for dispensing must not contain more than 15 ml of the solution or more than 20 tablets;

4. Phenmetrazine, if the medicaments in question are in the form of tablets and each tablet contains not more than 15 mg phenmetrazine hydrochloride and contains in addition at least 3 mg diacetyldiphenolisatin. The medicament dispensed shall not consist of more than 20 tablets;

5. Phenmetrazine-8-chlorotheophyllinate if the medicaments in question are in dragee form and each dragee contains not more than 30 mg phenmetrazine-8-chlorotheophyllinate and, in addition, at least 20 mg phenbutrazate hydrochloride. The medicament dispensed shall not contain more than 20 tablets".

5. Section 19 shall be amended as follows:

(a) In paragraph (1), items (a) and (e), the word "prescribing" shall be inserted before "medical practitioner".

(b) Paragraph (4) shall be worded as follows:

"(4) Paragraphs (1) to (3) shall not apply to prescriptions of medicaments which contain substances mentioned in section 10 a, paragraph 1, or diphenoxylate, methylphenidate, normethadone, phenmetrazine or phenmetrazine-8-chlorotheophyllinate in the form, composition and maximum doses specified in section 10 a, paragraph 3. Such prescriptions shall give the following particulars:

1. The name and address of the prescribing medical practitioner, dentist or veterinary surgeon and his professional designation and address;

2. The date of the prescription;

3. Instructions for use, which must show the individual dose and how frequently it is to be administered; but where medicaments are accompanied by the manufacturer's instructions for use which show the individual dose and how frequently it is to be administered, the aforementioned instructions for use may be omitted;

4. The unabbreviated hand-written signature of the prescribing medical practitioner, dentist or veterinary surgeon.

If the prescribing medical practitioner, dentist or veterinary surgeon intends to administer the medicaments himself, he shall state on the prescription, in place of the instructions for use, "For use in practice" or "For hospital use" or "For use in veterinary clinic"."

6. Section 21, paragraph (7) shall read as follows:

"(7) When dispensing medicaments which contain substances mentioned in section 10 a, paragraph 1, or diphenoxylate, methylphenidate, normethadone, phenmetrazine or phenmetrazine-8-chlorotheophyllinate, in the form, composition and maximum doses (section 9, paragraph 1), specified in section 10 a, paragraph 3, the fact that the medicaments have been dispensed shall be noted on the prescription."

7. Section 29 a shall read as follows:

"Section 29 a

The provisions of sections 22 to 29 shall not apply to medicaments which contain substances mentioned in section 10 a, paragraph 1, or diphenoxylate, methylphenidate, normethadone, phenmetrazine or phenmetrazine-8-chlorotheophyllinate, in the form, composition and maximum doses specified in section 10 a, paragraph 3."

Section 2

This Order shall also apply to the Land Berlin, insofar as it is put into force in the said Land.

Section 3

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

Bonn, 6 April 1971

BRANDT
Federal Chancellor

KÄTE STROBEL
Federal Minister for Youth, Family and Public Health

Bundesgesetzblatt (Federal Law Gazette), Part I
12 January 1972, No. 1

E/NL.1972/51

Notification
of the Revised text of the Law concerning
the Trade in Narcotic Drugs
(Narcotics Act)

10 January 1972

Pursuant to section 3 of the Law of 22 December 1971 amending the Law concerning the Trade in Narcotic Drugs (Opium Act) (Bundesgesetzbl.I, p. 2092), the text of the Opium Act of 10 December 1929 (Reichsgesetzbl.I, p. 215), as amended by:

the Law amending the Opium Act, dated 22 May 1933 (Reichsgesetzbl.I, p. 287), the Second Law amending the Opium Act, dated 9 January 1934 (Reichsgesetzbl.I, p. 22), the Reichsrat (Abolition) Act of 14 February 1934 (Reichsgesetzbl.I, p. 89), the Expulsion from the Reich Act of 23 March 1934 (Reichsgesetzbl.I, p. 213), the Law on the Establishment of a Federal Department of Public Health of 27 February 1952 (Bundesgesetzbl.I, p. 121),
Section 12 of the Introductory Law to the Law concerning Fineable Offences, dated 24 May 1968 (Bundesgesetzbl.I, p. 503),
Sections 4 and 5 of the First Law on the Reform of the Criminal Code, dated 25 June 1969 (Bundesgesetzbl.I, p. 645),
is published herewith.

Bonn, 10 January 1972

pp. von Manger-Koenig
Federal Minister for Youth, Family
and Public Health

Law
concerning the Trade in Narcotic Drugs
(Narcotics Act)

Section 1

(1) For the purposes of this law the term substances shall mean:

1. (a) Raw opium
Opium for medical purposes
Coca leaf
Raw cocaine

(b) Morphine
Diacetylmorphine (Heroin) and other esters of morphine;
Dihydrocodeinone (Dicodid)
Dihydromorphinone (Dilaudid)
Dihydrooxycodeinone (Eucodal)
Dihydromorphine (Paramorphan)
Acetyldihydrocodeinone (Acetyldemethylodihydrothebaine, Acedicon) and its esters;
Morphine-aminoxyde (Morphine-N-oxide, Genomorphine)
The derivatives of the morphine-aminoxydes

and

Other pentavalent nitrogen morphine derivatives;
Thebaine;
Benzylmorphine (Peronin) and other ethers of morphine unless included under 2;
Cocaine
Ecgonine and other esters of ecgonine;

(c) The salts of the substances listed under (b)

(d) The flowering or fruiting tops of plants of the genus cannabis L. from which the resin has not been extracted, excluding the seeds when not accompanied by the tops, and leaves which contain no resin;

2. Codeine

Ethylmorphine (Dionin) and its salts.

(2) The Federal Government is empowered to order other substances to be placed on the same footing as those listed in paragraph (1), sub-paragraph 1, if such substances are scientifically recognized as being productive of similar effects or if such action is essential in the interests of safety or of controlling the trade in narcotic drugs.

(3) The Federal Government is empowered to order to be placed on the same footing as the substances listed in paragraph (1) substances from which the substances listed in paragraph (1) or the substances placed by Order on the same footing pursuant to paragraph (2) can be prepared.

(4) For the purposes of this law, the term preparations covers:

1. Preparations which contain the substances listed in paragraph (1), sub-paragraphs 1 (a) to 1 (c);
Preparations containing morphine or cocaine or their salts, provided that in the case of preparations of morphine, the morphine content is more than 0.2 per cent and in the case of preparations of cocaine, the cocaine content is more than 0.1 per cent;

2. Extracts and tinctures of the substances defined by paragraph (1), sub-paragraph 1 (d);

3. Residues of smoking opium, cannabis resin and preparations thereof;

4. Preparations of substances which, pursuant to paragraph (2), are placed on the same footing as the substances mentioned in paragraph (1), sub-paragraph 1.

(5) The Federal Government is empowered to order preparations containing morphine or cocaine in amounts smaller than those mentioned in paragraph (4), sub-paragraph 1, or containing the substances listed in paragraph (1), sub-paragraph 1 (d) or sub-paragraph 2 or their salts, to be made subject to this law or to individual provisions thereof or to special provisions issued pursuant to it, insofar as such preparations are scientifically recognized as being productive of similar effects to those of the substances and preparations mentioned in paragraphs (1) and (3) or if such action is essential in the interests of safety or the control of the trade in narcotic drugs.

(6) The Federal Government is empowered to order substances or preparations to be exempt from the application of individual provisions of this law or of regulations issued pursuant thereto provided that public safety and the control of the trade in narcotic drugs are safeguarded.

(7) For the purposes of this law, the term narcotic drugs covers:

1. The substances mentioned in paragraph (1) or placed on the same footing as those substances by virtue of paragraphs (2) or (3);

2. The preparations mentioned in paragraph (4) or brought under this law or individual provisions thereof or under specific regulations issued pursuant to it in accordance with paragraph (5).

Section 2

(1) The import, transit and export, preparation, manufacture, processing and destruction of narcotic drugs and trade in them shall be subject to the supervision of the Federal Department of Public Health, unless otherwise provided in regulations issued pursuant to this law with the approval of the Federal Council. For the purposes of this law, any other transport into or out of the area of its territorial application shall be regarded as import or export.

(2) The Federal Department of Public Health or other competent body shall be entitled to inspect the places in which the narcotic drugs are obtained, prepared, manufactured, stored, offered for sale or dispensed, as well as the means of transport used. Insofar as industrial manufacturing concerns and wholesale businesses are concerned, inspection shall as a rule be carried out every two years and a record shall be kept of the findings. Details of the place and date of imports and exports of narcotic drugs and of the quantities imported and exported, as well as information concerning suppliers and recipients, the entire drug preparation, manufacturing and processing operations and questions relating to the trade in and stocks of narcotic drugs, must be provided on request. Business records and books shall also be made available for inspection on request. The obligation to provide information on production and on stocks shall extend likewise to any products manufactured from narcotic drugs to which this law does not apply. The authorized persons shall be entitled to demand or to take, against receipt, selected samples for analysis. Except where those concerned explicitly renounce their claim thereto, a part of the sample shall be left on the premises under official lock or seal and an appropriate cash compensation shall be made for the sample removed. The fundamental right of the inviolability of premises under article 13 of the Basic Law shall be curtailed to this extent.

(3) Any person who is required by law to provide information may decline to do so in respect of any question if, by replying, he might render himself or one of the persons connected with him mentioned in section 383, paragraph (1), sub-paragraphs 1-3 of the Code of Civil Procedure liable to prosecution under criminal law or to proceedings under the Law concerning Fineable Offences.

(4) For inspecting imports and exports, use may be made of Customs clearance documents and statistical return forms.

(5) The Federal Department of Public Health is empowered in specific cases to restrict or impose conditions upon the import, export and manufacture of narcotic drugs as well as stocks thereof, if this is necessary for the implementation of the international agreements on narcotic drugs. The Federal Department of Public Health or other competent authority may, further, lay down regulations for safeguarding stocks of narcotic drugs against withdrawal by unauthorized persons and for the destruction of narcotic drugs.

(6) The powers of the Land governments in sanitary police matters shall not be affected.

Section 3

(1) Only persons to whom a licence has been issued for the purpose may engage in the import, export, cultivation, preparation, industrial manufacture and processing of or trade in narcotic drugs, or may purchase, sell, distribute or deal in other like manner in narcotic drugs. Decisions on applications for licences shall be made by the Federal Department of Public Health in consultation with the relevant Land government. Licences shall specify the places for which they are valid.

(2) Licences may be restricted; the period of validity may be fixed; and they may be made subject to conditions.

(3) A licence shall be refused if there is no need for it or if there are objections to it for reasons of public health or on personal grounds. Licences which have been granted may be withdrawn for the same reasons.

(4) The licences referred to in paragraph (1) shall not be required by pharmacies for the acquisition of narcotic drugs, for their preparation or for their dispensing against the prescription of a medical practitioner, dentist or veterinary surgeon, nor by the house dispensaries of medical practitioners for the preparation and dispensing of narcotic drugs, nor by the house dispensaries of veterinary surgeons for the acquisition, preparation and dispensing of narcotic drugs. Pharmacies and house dispensaries require no licence for the return of drugs to the holder of a licence to acquire narcotic drugs within the meaning of paragraph (1). No licence is required for the acquisition and dispensing of narcotic drugs prescribed for supplying of merchant ships. Further, no licence is required by persons who obtain narcotic drugs from pharmacies against the prescription of a medical practitioner, dentist or veterinary surgeon or from the house dispensaries of medical practitioners or veterinary surgeons.

Section 4

(1) The acquisition, distribution and dispensing of drugs shall only be permitted on the basis of a supply voucher made out in the name of the person acquiring the drug for each individual case of acquisition and of distribution and dispensing. Applications for supply vouchers must be made to the Federal Department of Public Health. Supply vouchers shall not be required for dispensing in pharmacies against prescriptions of medical practitioners, dentists or veterinary surgeons or for dispensing in the house dispensaries of medical practitioners or veterinary surgeons. Further, a supply voucher shall not be required for obtaining narcotic drugs from pharmacies against prescriptions of medical practitioners, dentists or veterinary surgeons, or from the house dispensaries of medical practitioners or veterinary surgeons.

(2) The Federal Minister for Youth, Family and Public Health is empowered to lay down by Order the procedure for the issue of supply vouchers as well as for their format, preparation and distribution. This authority may be delegated in whole or in part to the Federal Department of Public Health.

(3) The Federal Department of Public Health shall refuse to issue a supply voucher if there are grounds for suspecting that the narcotic drugs are to be used in an unlawful manner.

(4) The Federal Government is empowered to regulate by Order the trade in narcotic drugs otherwise than through supply vouchers, provided that safety and the control of the trade in narcotic drugs is not affected.

Section 5

(1) Any person who has obtained a licence in accordance with section 3 shall be required to keep a stock register, in which separate entries shall be made of the incoming and outgoing movements and of the processing of each individual drug under the headings date and amount. The names and addresses of the persons delivering and accepting delivery of the drugs must be clearly shown in the entries of incoming and outgoing movements. Persons holding licences to manufacture morphine and cocaine or to process raw opium, raw morphine, including concentrate of poppy straw, or coca leaves, shall be further required to enter the narcotic drug content in the stock register. The Federal Department of Public Health may decide how such content shall be determined.

(2) The Federal Government is empowered to order, insofar as this is essential for public safety and for controlling the trade in narcotic drugs, that:

1. Further entries shall be made in the stock register, in particular concerning the preparation, manufacture and disposal of narcotic drugs;

2. Information on incoming and outgoing movements, preparation, manufacture, processing and disposal shall be supplied to the Federal Department of Public Health;

3. The regulations governing the keeping of a stock register shall also be applied, wholly or in part, to pharmacies, house dispensaries of medical practitioners and veterinary surgeons, and to hospitals and veterinary clinics. The Federal Government shall be further empowered to authorize exceptions to the provisions of paragraph (1) provided that public safety and the control of the trade in narcotic drugs are safeguarded.

Section 6

(1) The importation and exportation of narcotic drugs requires the approval of the Federal Department of Public Health, which shall be informed when import and export operations are completed.

(2) The Federal Government is empowered to order regulations to be issued governing the control of import, export and transit, so far as is necessary for public safety and for controlling the trade in narcotic drugs.

Section 7

The Federal Government is empowered to order regulations to be issued governing the marking of narcotic drugs, so far as is necessary for public safety and for the control of the trade in narcotic drugs.

Section 8

(1) Medicaments which are or which contain narcotic drugs may only be supplied against the prescription of a medical practitioner, dentist or veterinary surgeon.

(2) The Federal Government is empowered to order regulations to be issued governing the prescribing of narcotic drugs by medical practitioners, dentists or veterinary surgeons and their dispensing by pharmacies, or by the house dispensaries of medical practitioners or veterinary surgeons, so far as is necessary for safety and the control of the trade in narcotic drugs. In particular, an Order may:

1. Exempt particular narcotic drugs from prescription;

2. Lay down the maximum individual and daily dose;

3. Restrict prescribing and dispensing to specific modes of administration and to particular areas of use;

4. Specify the form and content of the prescription;

5. Regulate the number of times a prescription may be repeated, and

6. Provide for information to be supplied concerning the disposal of drugs.

Section 9

Residues of smoking opium or cannabis resin and its preparations shall not be imported, exported, transported in transit, prepared, manufactured, processed, purchased and sold, acquired, dispensed, distributed or otherwise introduced into the trade. The Federal Department of Public Health may authorize exceptions for scientific purposes or for other purposes in the public interest.

Section 10

(1) To cover the cost of operations of the Federal Department of Public Health, insofar as no legal provision has been made in respect of them, the Federal Minister for Youth, Family and Public Health is empowered to order administrative fees and special dues to be charged, to arrange for reimbursement of expenses, and in particular to decide that fees shall be charged for licences, permits, verifications, checks, certificates, authentications, the inspection of records and furnishing of information, and to lay down fixed rates or a basic scale.

(2) The level of fees charged shall be determined on the basis of the average expenditure on personnel and material involved in the operations. These charges may not, however, exceed the following maximum amounts:

| | | | |
|---|---|---|---|
| Licences | 2,500 | Deutsche | Mark |
| Checking and inspection | 3,000 | " | " |
| Dues payable on the importation or marketing of narcotic drugs, per kg | 500 | " | " |
| All other cases | 100 | " | " |

Should checking and inspection in a particular case involve exceptionally heavy expenditure, the charge may be raised to double the amount. The person by whom the charges are payable shall have the right to be heard where an increase in charges is to be expected.

Section 11

(1) Any person who is guilty of any of the following acts shall be liable to imprisonment up to three years, or a fine, or both:

1. Importing, exporting, preparing, manufacturing, processing, trading in, acquiring, dispensing, distributing or otherwise dealing in narcotic drugs without a licence as required under section 3;

2. Transporting narcotic drugs through German Customs territory without Customs supervision;

3. Acquiring, dispensing or disposing of narcotic drugs without the supply voucher required under section 4;

4. Being in possession of narcotic drugs without having obtained a licence as required under the provisions of section 3 or a supply voucher as required under section 4;

5. Making or using false or incomplete statements for the purpose of obtaining for himself or others:

   (a) A supply voucher as required under section 4, or

   (b) The prescription of a narcotic drug;

6. Unless an exception has been made by the Federal Department of Public Health:

   (a) Importing, exporting, carrying in transit, preparing, manufacturing, processing, trading in, acquiring, dispensing, disposing of or otherwise dealing in, or

   (b) Possessing

   the narcotic drugs referred to in section 9;

7. Allowing another person to possess or consume narcotic drugs except in connexion with medical or dental treatment or for a scientific purpose approved by the Federal Department of Public Health or otherwise in the public interest;

8. Informing another person, publicly or for private reasons, of the opportunity to consume, acquire or dispense narcotic drugs or providing or offering such opportunity, without a licence for such acquisition or dispensing from the Federal Department of Public Health or without such opportunity being approved by the Federal Department of Public Health for a scientific purpose or otherwise in the public interest;

9. In the case of a medical practitioner, dentist or veterinary surgeon,

   (a) Prescribing or dispensing a narcotic drug otherwise than on medical, dental or veterinary grounds, or

   (b) Acting contrary to an Order issued under section 8, paragraph (2), except in respect of the form or content of the prescription, insofar as specific reference is made in the Order to the penalty incurred in particular circumstances. Such reference is not required if the Order was issued before the entry into force of this law;

10. In the case of a pharmacy,

   (a) Supplying narcotic drugs without a prescription from a medical practitioner, dentist, or veterinary surgeon being produced, or

   (b) Acting contrary to an Order issued under section 8, paragraph 2, except in respect of the provisions relating to the annotation to be made in the prescription by the pharmacy, insofar as specific reference is made in the Order to this penal regulation for given circumstances. Such reference is not required if the Order was issued before the entry into force of this law.

(2) Attempts to commit the acts to which section 11, paragraph (1), sub-paragraphs 1 to 3, 5, 6 (a) and 8 refer shall be punishable.

(3) Should a person committing the acts to which paragraph (1), sub-paragraphs 1 to 3, 6 (a), 7 or 8 refer act negligently, the penalty shall be imprisonment not exceeding one year or a fine.

(4) In particularly serious cases, the penalty shall be imprisonment for a period of 1 to 10 years. A fine may be imposed in addition. As a general rule, a case shall be regarded as particularly serious if the perpetrator:

1. Endangers the health of a number of persons by committing an act as defined in paragraph (1), sub-paragraphs 1 or 6 (a);

2. Endangers the life of another person by committing an act as defined in paragraph (1), sub-paragraphs 1, 3, 6 (a) or 7 to 10;

3. Being an adult, repeatedly dispenses or supplies narcotic drugs to persons under 18 years of age;

4. In the cases referred to in paragraph (1), sub-paragraphs 1, 2, 6 (a), 7 or 8, acts for gain or as a member of a gang formed for the regular perpetration of such crimes;

5. Possesses or dispenses narcotic drugs in considerable quantities;

6. (a) Imports narcotic drugs in considerable quantities for the purpose of placing them on the market;

(b) Imports narcotic drugs concealed by means of specially contrived devices or hidden in places difficult of access.

(5) The Court may refrain from imposing a penalty in accordance with the provisions of paragraphs (1) to (3) if the person committing the act possesses or obtains narcotic drugs in small amounts for his personal use only.

(6) Objects to which the offence relates may be confiscated. Section 40a of the Criminal Code shall be applied.

Section 12

The provisions of section 11, paragraph (1), sub-paragraphs 1, 6 (a), 7, 8 and paragraph (5), shall apply even where the offence relates to substances which are not narcotic drugs but which are distributed as such.

Section 13

(1) Any person shall be acting unlawfully who, intentionally or through negligence,

1. Prepares, manufactures, processes, stores, offers for sale, dispenses, distributes or otherwise disposes of narcotic drugs in a place not covered by the licence granted under the provisions of section 3;

2. Contrary to section 2, paragraph (2), does not permit the inspection of a place, does not provide information or provides wrong or incomplete information or does not allow examination of the business records or books;

3. Contrary to section 5, fails to keep a stock register or makes false or incomplete entries therein;

4. Contravenes a restriction, condition or stipulation imposed by the Federal Department of Public Health in accordance with section 2, paragraph (5);

5. Contravenes an Order under section 4, paragraphs (2) or (4), section 5, paragraph 2, section 6, paragraph (2), section 7 or section 8, paragraph (2), insofar as the provisions of section 11, paragraph (1), sub-paragraphs 2, 9 or 10 are not applicable and insofar as specific reference is made in the Order to the fine incurred in particular circumstances. The reference is not required if the Order was issued before the entry into force of this law.

6. Encloses narcotic drugs in a postal package, in spite of the fact that such transmission is prohibited under the Universal Postal Convention or an agreement of the Universal Postal Union; postal secrecy (Article 10 (1) of the Basic Law) shall be curtailed to the extent necessary for the prosecution and punishment of the breach of regulations involved.

(2) Such breaches of the regulations are punishable by a fine of up to 50,000 Deutsche Mark.

(3) Objects to which the breach of regulations relates may be seized. Section 19 of the Law concerning Fineable Offences shall be applicable.

(4) The administrative authority within the meaning of section 36, paragraph (1), sub-paragraph 1, of the Law concerning Fineable Offences shall be the Federal Department of Public Health, insofar as the present law is implemented by it.

E/NL.1972/52

Bundesgesetzblatt, Part I
13 September 1972, No. 99

PUBLICATION OF THE REVISED LIST OF SUBSTANCES PLACED ON THE SAME FOOTING AS THE SUBSTANCES MENTIONED IN SECTION 1, PARAGRAPH 1, SUB-PARAGRAPHS 1 (b) and 2, OF THE OPIUM ACT

4 September 1972

The list of substances placed on the same footing as the substances mentioned in section 1, paragraph (1), sub-paragraphs 1 (b) and 2 of the Opium Act of 10 December 1929 (Reichsgesetzbl.I, p. 215) as revised in the Notice of 10 January 1972 (Bundesgesetzbl.I, p. 1) 4/ is hereby published as revised by the Order concerning substances placed on the same footing as narcotic drugs dated 26 September 1960 (Bundesgesetzbl.I, p. 765), 5/ the Second Order concerning substances placed on the same footing as narcotic drugs dated 25 October 1961 (Bundesgesetzbl.I, p. 1909), 6/ the Third Order concerning substances placed on the same footing as narcotic drugs dated 24 April 1963 (Bundesgesetzbl.I, p. 209), 7/ the Fourth Order concerning substances placed on the same footing as narcotic drugs dated 21 February 1967 (Bundesgesetzbl.I, p. 197) 8/ and the Fifth Order concerning substances placed on the same footing as narcotic drugs dated 6 April 1971 (Bundesgesetzbl.I, p. 315). 9/

Bonn, 4 September 1972

Federal Minister for Youth,
Family and Public Health
pp. Dr. Walter

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

5/ Note by the Secretariat: E/NL. 1960/122

6/ Note by the Secretariat: E/NL. 1961/101

7/ Note by the Secretariat: E/NL. 1963/80

8/ Note by the Secretariat: E/NL. 1969/7

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

## LIST OF SUBSTANCES PLACED ON THE SAME FOOTING AS THE SUBSTANCES MENTIONED IN SECTION 1, PARAGRAPH 1, SUB-PARAGRAPHS 1 (b) and 2 OF THE OPIUM ACT

### I

The undermentioned substances are placed on the same footing as the substances mentioned in section 1, paragraph 1, sub-paragraph 1(b) of the Opium Act:

| Short name | Scientific designation |
|---|---|
| Acetorphine[1/] | |
| Acetylmethadol | |
| Allylprodine | |
| Alphacetylmethadol | |
| Alphameprodine | |
| Alphamethadol | |
| Alphaprodine | |
| Amphetamine | |
| Anileridine | |
| Benzethidine | |
| Betacetylmethadol | |
| Betameprodine | |
| Betamethadol | |
| Betaprodine | |
| Bezitramide | |
| Clonitazene | |
| Codoxime | |
| Desomorphine | |
| Dexamphetamine | |
| Diampromide | |
| Diethylthiambutene | |
| Dimenoxadol | |
| Dimepheptanol | |
| Dimethylthiambutene | |
| Dioxaphetyl butyrate | |
| Diphenoxylate | |
| Dipipanone | |
| D-Moramide | (+)-N-(2,2-diphenyl-3-methyl-4-morpholino-butyryl)-pyrrolidine |
| DOM (STP) | 2,5-dimethoxy-d,4-dimethyl-phenethylamine |
| Ethylmethylthiambutene | |
| Etonitazene | |
| Etorphine | |

| Short name | Scientific designation |
|---|---|
| Etoxeridine | |
| Fentanyl | |
| Furethidine | |
| Hydromorphinol | |
| Hydroxypethidine | |
| Isomethadone | |
| Ketobemidone | |
| Levomethadone | (-)-6-dimethylamino-4,4-diphenyl-3-heptanone |
| Levomethorphan | |
| Levormoramide | |
| Levophenacylmorphan | |
| Levorphanol | |
| Lysergide | lysergic acid diethylamide |
| Mescaline | 1-(3,4,5-trimethoxyphenyl)-2-aminoethan |
| Metazocine | |
| Methadone | |
| Methadone-intermediate | |
| Methylamphetamine | 1-phenyl-2-methylaminopropane |
| Methyldesorphine | |
| Methyldihydromorphine | |
| Methylphenidate | |
| Methylphenylpiperidine carboxylic acid esters, (including pethidine and properidine) | Esters of 1-methyl-4-phenylpiperidine-4-carboxylic acid |
| Metopon | |
| Moramide-intermediate | 1,1-diphenyl-2-methyl-3-morpholino-propane-carboxylic acid |
| Morpheridine | |
| Myrophine | |
| Nicodicodine | |
| Noracymethadol | |
| Norlevorphanol | |
| Normethadone | |
| Normorphine | |
| Norpipanone | |
| Oxymorphone | |
| Pethidine | |
| Pethidine-intermediate-A | |
| Pethidine-intermediate-B (Norpethidine) | |
| Pethidine-intermediate-C | |

| Short name | Scientific designation |
|---|---|
| Phenadoxone | |
| Phenampromide | |
| Phenazocine | |
| Phenmetrazine | |
| Phenomorphan | |
| Phenoperidine | |
| Piminodine | |
| Piritramide | |
| Proheptazine | |
| Properidine | |
| Psilocine | 3-(2-dimethylaminoethyl)-4-hydroxyindol |
| Psilocine-(eth) | 3-(2-diethylaminoethyl)-4-hydroxyindol |
| Psilocybine | |
| Psilocybine-(eth) | 3-(2-diethylaminoethyl)-indol-4-yl-dihydrogen phosphate |
| Racemethorphan | |
| Racemoramide | |
| Racemorphan | |
| Tetrahydrocannabinol | 3-pentyl-6a, 7, 10, 10a-tetrahydro-6, 6, 9-trimethyl-6-H-dibenzo[b,d] pyran-1-ol |
| Trimeperidine | |

II

The undermentioned substances are placed on the same footing as the substances mentioned in section 1, paragraph 1, sub-paragraph 2, of the Opium Act:

| | | |
|---|---|---|
| 1. | Acetyldihydrocodeine | acetyldihydrocodeine |
| 2. | Dihydrocodeine | dihydrocodeine |
| 3. | Nicocodine | |
| 4. | Pholcodine | |

E/NL.1972/53

Federal Law Gazette, Part I
14 April 1971

ORDER AMENDING THE ORDER CONCERNING THE WAIVER OF COMPULSORY SUPPLY VOUCHERS FOR NARCOTIC DRUGS

6 April 1971

Pursuant to section 1, paragraph 4, to section 4, paragraph 4 and to section 12 of the Opium Act of 10 December 1929 (Reichsgesetzbl.I, p. 215), as last amended by the Introductory Law to the Law concerning Fineable Offences dated 24 May 1968 (Bundesgetsetzbl.I, p. 503), and having regard to article 129 (1) of the Basic Law, the Federal Government hereby decrees as follows:

Article 1

The Order concerning the waiver of compulsory supply vouchers for narcotic drugs, dated 24 April 1963 (Bundesgesetzbl.I, p. 212) 10/ is hereby amended as follows:

Section 1, paragraph 2 shall read:

"2. The following substances and preparations:

(a) Benzylmorphine and its salts, or preparations containing benzylmorphine or its salts.

(b) Cardiazol-dicodid drops containing 0.005 g of hydrocodone hydrochloride and 0.1 g pentetrazole in 1 g solution:

(c) Preparations containing diphenoxylate 1/ in tablet form, which contain not more than 2.5 mg of diphenoxylate hydrochloride per tablet and which in addition contain at least 0.025 mg of atropine sulphate.

(d) Dover's powder containing not more than 10 per cent opium, including tablets.

(e) Indian hemp.

(f) Extract of Indian hemp.

(g) Tincture of Indian hemp.

(h) Preparations containing methylphenidate in tablet or dragee form, each tablet or dragee containing not more than 10 mg methylphenidate hydrochloride.

(i) Neurophilin pills containing 0.05 g of opium, 0.005 g of extractum aloes, 0.02 g of radix valerianae, and 0.002 g of endophenolphthalein.

(j) Preparations containing normethadone which -

1. When in the form of a solution contain not more than 1 per cent of normethadone hydrochloride and contain, in addition, at least 2 per cent 1-(4-hydroxyphenyl)-methylamino-propane-1-ol hydrochloride as well as at least 1 per cent of oxyethylated coconut-oil alcohol EO 18 (ethylene oxide), or

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10/ Note by the Secretariat: E/NL. 1963/82

2. When in tablet form contain not more than 7.5 mg nor - methadone hydrochloride per tablet and contains, in addition, at least 10 mg of 1-(4-hydroxyphenyl)-methylamino-propane-1-ol-hydrochloride as well as at least 6 mg oxyethylated coconut-oil alcohol EO 18 (ethylene oxide).

(k) Preparations containing phenmetrazine in tablet form which contain not more than 15 mg phenmetrazine hydrochloride per tablet and which contain, in addition, at least 3 mg endophenolphthalein.

(l) Preparations containing phenmetrazine-8-chlorotheophyllinate in dragee form which contain not more than 30 mg phenmetrazine-8-chlorotheophyllinate per dragee and which contain, in addition, at least 20 mg phenbutrazate hydrochloride."

Article 2

This Order shall also apply to the Land Berlin insofar as it is put into force in the said Land.

Article 3

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

Bonn, 6 April 1971

BRANDT
Federal Chancellor

KÄTE STROBEL
Federal Minister for Youth,
Family and Public Health