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## LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE CONVENTION OF 13 JULY 1931 FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS, AS AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

### GREECE

Communicated by the Government of Greece

NOTE BY THE SECRETARY-GENERAL -- In accordance with Article 21 of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol of 11 December 1946, the Secretary-General has the honour to communicate the following legislative text.

Official Journal of the Kingdom of Greece  
Athens, 11 October 1954, Vol. I, No. 247

#### LEGISLATIVE DECREE No. 3084

Concerning the punishment of persons violating the narcotics drugs laws  
and concerning the treatment of drug addicts.

#### PAUL, KING OF THE HELLENES

Considering the provisions of Article 35 of the Constitution and the concurrence of the Special Committee of Deputies, dated 1 September 1954, pursuant to paragraph 2 of Article 35, we, on the proposal of our Council of Ministers, have decided and do decree:

##### Article 1. -

Within the meaning of this Legislative Decree the term "narcotic drugs" shall be deemed to embrace the substances specified in Article 1 of Act No. 5539/1932, paragraphs (1) to (11).

##### Article 2. -

1. The following persons shall be liable to a term of imprisonment not exceeding 10 years and to a fine of not more than 10 million drachmas:

- (a) any person who, without a permit from the competent Ministry, prepares substances controlled by the Narcotic Drugs Monopoly or any other narcotic drug or who possesses for that purpose raw materials, apparatus or other equipment;
- (b) any person who cultivates Indian hemp [cannabis]<sup>1)</sup>;
- (c) any person who, without a permit from the competent Ministry, cultivates the opium poppy;
- (d) any person who makes an inaccurate declaration to the competent authority of the amount of opium produced by him, or conceals the quantity produced;
- (e) any person who, without a permit from the competent Ministry, imports, exports or conveys in transit narcotic drugs;

Note by the Secretariat: The word in square brackets has been inserted by the Secretariat.

- (f) any person found in possession of narcotic drugs on board a ship of less than one hundred tons, at anchor or coasting within the territorial waters;
- (g) any consignee of a postal package, sample of no commercial value, or letter containing any narcotic drug whatsoever, and any person who orders such a consignment, or with whose knowledge and consent such a consignment is sent;
- (h) any person who keeps, conveys, sells, buys, takes part in a sale, makes available for trading in any manner whatsoever, or is found in possession of narcotic drugs;
- (i) any person who facilitates the introduction of narcotic drugs into a barracks, police station, reformatory of any kind, home for minors, hospital or collective labour centre.

2. Where very small quantities of narcotic drugs are traded retail among drug addicts a term of imprisonment for not less than two years shall be imposed.

Article 3. -

Managers of establishments or any other persons who continuously make premises available for the use of narcotic drugs and any employee who has knowledge of such practices shall be liable to a term of imprisonment not exceeding 10 years and to a fine not exceeding 1 million drachmas.

Article 4. -

The following shall be liable to imprisonment for a term of not less than one year and to a fine of not more than 100,000 drachmas;

- (a) any person who adulterates, or sells in an adulterate state, any narcotic drugs controlled by the Monopoly;
- (b) any person who falsifies or forges a medical prescription in order to acquire narcotic drugs or to procure them for another;
- (c) any pharmacist, director or employee of a pharmacy who sells such drugs without a prescription;
- (d) any physician who issues a prescription for narcotic drugs without detailed instruction for their use.

Article 5. -

1. The commission of any of the offences referred to in the preceding articles, habitually or as a means of livelihood, shall constitute an aggravating circumstance.

2. The fact that the offender is a public employee shall likewise constitute an aggravating circumstance.

Article 6. -

Any conviction for breach of Article 2, paragraph 1, or Articles 3 or 4 of this Legislative Decree shall be published at the expense of the convicted person, in whole or in summary, in one or more newspapers published at Athens or at the place where the offence was committed or at the offender's domicile not more than 10 days after the conviction has become irrevocable.

Article 7. -

1. Where Articles 2, 3, 4 and 11, paragraph 3, of this Legislative Decree apply, the Court may order the offender to be suspended from the exercise of his occupation for a period of not less than 1 and not more than 5 years if it considers that such exercise would endanger public safety and that the offence is directly connected with that occupation.

2. The period during which the occupation may not be exercised shall run from the time when the term of imprisonment has been completed. If the prisoner is released conditionally and his conduct has been satisfactory, the prohibition of the exercise of his occupation shall be revoked.

3. If the offender should again commit an offence against articles 2, 3 and 4 of this Legislative Decree or resume the exercise of the prohibited occupation without permission, the Court may double the period of prohibition.

4. A convicted person may not exercise his profession through another person or do so himself on behalf of another during the period of prohibition.

**Article 8. -**

1. Where the offence referred to in article 3 is committed, the Court may order the closing of the establishment for a period of not less than one and not more than five years.

2. The Magistrates of the Correctional Court in Chambers may order the establishment to be temporarily closed until the sentence referred to in the preceding paragraph is passed.

**Article 9. -**

1. Where a conviction is decided for an offence under this Legislative Decree, the Court shall order confiscation pursuant to article 76 of the Penal Code.

2. Where the offence referred to in article 3 is committed, the Court shall likewise order the seizure of the furniture and fittings.

**Article 10. -**

1. Where sentences are passed for offences specified in this Legislative Decree, a penalty of imprisonment may not be converted into a fine.

**Article 11. -**

1. Any person found taking narcotic drugs for any purpose other than medical shall be liable to a term of imprisonment for not less than six months or to a fine of not more than 50,000 drachmas, or both.

2. Loiterers, beggars and vagabonds who habitually take narcotic drugs shall be liable to a term of imprisonment for not less than two years.

3. Any person who drives any means of transport whatsoever under the influence of a narcotic drug shall be liable to a term of imprisonment for not less than two years and to a fine not exceeding 1,000 drachmas.

**Article 12. -**

1. In the cases referred to in the preceding Article the Court may, instead of imposing the prescribed penalty, order the offender to be committed to a special State institution for treatment if it considers that he habitually takes narcotic drugs.

2. Not less than six months after committal, the Court of the place where the institution is situated may, on the advice of the psychiatrist in charge of the institution, order the prisoner to be discharged conditionally if he considers that the prisoner is cured and is no longer dangerous. In such cases the Court may impose certain disabilities:

- (a) The discharged prisoner may be prohibited from frequenting places where narcotic drugs are consumed;
- (b) He may be prohibited from consorting with drug addicts;
- (c) He may be prohibited from absenting himself from his home after a certain hour of the night;
- (d) He may be required voluntarily to accept protective supervision by prisoners' aid societies; and
- (d) He may be required to undertake honest employment offered him in order to provide him with a livelihood.

3. Any prisoner conditionally discharged who shows evidence of good conduct for three years shall be released unconditionally. Nevertheless, if he resumes the use of narcotic drugs, he shall again be committed to an institution by a decision of the competent Court.

4. Not less than one year after being committed again, the Court may again consider whether the prisoner may be released, provided however that detention in an institution may in no case exceed two years.

5. Any conditionally released prisoner who reverts to using narcotic drugs during this new trial period may be committed to an institution for incurables or to a special division of a rural prison for not less than five years.

Article 13. -

1. Any person accused of an offence against article 11 of this Legislative Decree who habitually takes narcotic drugs shall be remanded in custody, even when the circumstances referred to in article 282 of the Code of Criminal Procedure are lacking.

2. Any accused person whose mental or physical health does not permit of his remand in custody may be detained until the end of his trial in a hospital or psychiatric clinic, where he shall be examined by a psychiatrist in order to ascertain whether he habitually uses narcotic drugs.

3. Should the prisoner be found to use narcotic drugs habitually, he shall remain in custody until the Court reaches an irrevocable decision.

4. The Court shall always hear the opinion of a psychiatrist before concluding that an accused person habitually uses narcotic drugs.

Article 14. -

1. The details of the organization and operation of security health institutions shall be regulated by decree promulgated when proposed by the Ministers of Justice and Finance.

2. The provisions of articles 23, 23 (a), 23 (b), 23 (c), 23 (d), 23 (e), 23 (f), 23 (g), 23 (h), 24 and 25 of the Narcotic Drugs Monopoly and Control Act No. 5539/1932, as amended by Legislative Decree No. 2430/1940, are hereby repealed.

Article 15. -

This Legislative Decree shall enter into force on the date of its promulgation in the Official Journal, except article 12, which shall come into force by Royal Decree on the recommendation of the Minister of Justice.