



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

JAPAN

Communicated by the Government of Japan

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 texts.

Narcotic Control Law (Law No. 14 of 1953)

E/NL.1954/145

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(Object) General Provisions

Article 1: The object of this Law is to exercise necessary controls over import, export, manufacture, compounding, transfer, obtainment (by transfer) and possession of narcotics in order to prevent danger to health and sanitation arising from use of narcotics for purposes other than medical treatment and scientific researches.

(Definition of Terms)

Article 2: The meaning of terms used in this Law as given under the following items shall be taken as explained under each item:

1. Narcotics mean such articles as mentioned in the annexed list. (P.15)
2. Exempt narcotic preparations mean such articles as stipulated under the proviso of Item 24 in the annexed list.
3. Narcotic handlers mean any narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations, narcotic central wholesale dealer, narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator, and narcotic research worker.
4. Narcotic dealers mean narcotic handlers other than the narcotic practitioner, narcotic

5. Narcotic importer means a person who is engaged in importation of narcotics as profession with the license obtained from the Minister of Welfare.
6. Narcotic exporter means a person who is engaged in exportation of narcotics as profession with a license obtained from the Minister of Welfare.
7. Narcotic manufacturer means a person who manufactures narcotics as profession with a license obtained from the Minister of Welfare (the manufacturing includes the refining of narcotics and the turning of narcotics into other narcotic drugs by causing chemical changes, and this interpretation applies to the articles that follow).
8. Narcotic compounder means a person who compounds narcotic drugs as profession with a license obtained from the Minister of Welfare (the compounding means the turning of narcotics into other narcotic drugs without causing chemical changes, but the preparation of narcotic drugs is excepted; this interpretation applies to the articles that follow) or who apportions narcotic drugs (it means to put in containers narcotic drugs obtained from others (by transfer); this is to apply to the articles that follow).

9. Producer of exempt narcotic preparations means a person who produces exempt narcotic preparations as profession with a license obtained from the Minister of Welfare.
10. Narcotic central wholesale dealer means a person who transfers narcotics to narcotic local wholesale dealers as profession with a license obtained from the Minister of Welfare.
11. Narcotic local wholesale dealer means a person who transfers narcotics as profession to the proprietors of narcotic medical establishments or the proprietors of narcotic research establishments with licenses obtained from the Metropolitan, Hokkaido or Prefectural Governor.
12. Narcotic retail dealer means a person who transfers as profession narcotic drugs dispensed according to [medical prescriptions containing narcotics] written by narcotic practitioners, with a license obtained from the Metropolitan, Hokkaido or Prefectural Governor.
13. Narcotic practitioner means a person who, by duty, administers or supplies narcotics for the purpose of treating diseases or issue medical prescriptions containing narcotics with a license obtained from the Metropolitan, Hokkaido or Prefectural Governor.
14. Narcotic administrator means a person who, by duty, takes charge of the narcotics applied at his or her narcotic medical establishment or the narcotics to be supplied by the establishment for application, with a license obtained from the Metropolitan, Hokkaido or Prefectural Governor.
15. Narcotic research worker means a person who, for the scientific researches, cultivates [plants used for making narcotics or manufactures or uses narcotics.]
16. Place of business means the premises where any narcotic handler handles narcotics for business or research purposes, such as a shop, manufactory, compounding place, pharmacy, hospital, clinic (these include the residence of a doctor or dental surgeon provided for in Paragraph 1, Article 5, the Medical Treatment Law - Law No. 205 of 1948 - and this interpretation is to apply to the articles that follow), establishment for treatment of animals (including here the residence of any veterinarian who renders treatment to animals by visit alone, and so forth with the articles that follow), and research establishment. In the case of narcotic practitioners or narcotic research workers who are engaged in medical (or dental or veterinary) treatment or research work at two or more hospitals, clinics or establishments for treatment of animals or research establishments in the Metropolis, Hokkaido or any Prefecture, only the hospitals, clinics or the establishments for treatment of animals or the research establishments where the narcotic practitioners or narcotic research workers are chiefly engaged in medical treatment (dental or veterinary) or research work shall be regarded as the place of business.
17. Narcotic medical establishment means the hospital, clinic and establishment for treatment of animals where narcotic practitioners are engaged in medical (or dental or veterinary) treatment.
18. Narcotic research establishment means any research establishment where narcotic research workers are engaged in researches.

Chapter II: License

(Licensing)

Article 3: The license of the narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations, or the central narcotic wholesale dealer shall be granted by the Minister of Welfare and that of the local narcotic wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or the narcotic research worker shall be granted by the Metropolitan, Hokkaido or Prefectural Governor in respect to his place of business.

2. No person other than those mentioned hereunder can obtain a license:

- 1) With regard to the license of a narcotic importer, any person who [is registered as an importer-seller of medicines under the provisions of the Pharmaceutical Law (Law No. 197 of 1948)]
- 2) As to the license of a narcotic exporter, any person who [is registered as a manufacturer or seller of medicines under the provisions of the Pharmaceutical Law] and who is a pharmacist himself or who employs a pharmacist or pharmacists.
- 3) In respect to the license of a narcotic manufacturer, narcotic compounder or producer of exempt narcotic preparation, any person who [is registered as a manufacturer of medicines under the provisions of the Pharmaceutical Law.]
- 4) As regards the license of a central narcotic wholesale dealer or local narcotic wholesale dealer, [any person who is registered as the proprietor of a pharmacy or as a seller of medicines under the provisions of the Pharmaceutical Law] and who is a pharmacist himself or who employs a pharmacist or pharmacists.
- 5) As to the license of a narcotic retail dealer, any person who [is registered as the proprietor of a pharmacy.]
- 6) With regard to the license of a narcotic practitioner, a doctor, dental surgeon or veterinarian.
- 7) In respect to the license of a narcotic administrator, a doctor, dental surgeon, veterinarian or pharmacist.
- 8) As to the license of a narcotic research worker, any one who needs, for scientific

researches, to cultivate plants utilized for making narcotics [or to manufacture or use narcotics.]

3. The license may not be issued to the person who comes under any of the following items:

- 1) Any person whose license has been cancelled according to the provisions in Paragraph 1 of Article 51 and who has not passed three years after the cancellation.
- 2) Any person (who has committed a crime in contravention of this Law [or the Hemp Control Law (Law No. 124 of 1948)] or who has been sentenced to a penalty heavier than a fine for commission of a crime provided for in Chapter 14, Part 2, the Criminal Code (Law No. 45 of 1907), and who has not passed three years after the completion of execution of his sentence or after the ceasing of execution of the sentence.
- 3) Any person adjudged incompetent.
- 4) Any lunatic or narcotic or hemp addict.
- 5) Any juridical person or organization among whose officers conducting its business there is a person who comes under any of the preceding items.

4. In case the Metropolitan, Hokkaido or Prefectural Governor has licensed a local narcotic wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker, he shall report it to the Minister of Welfare immediately.

(License Card)

Article 4: In case the Minister of Welfare or the Metropolitan, Hokkaido or Prefectural Governor has licensed a narcotic handler according to the provisions of the preceding article, he shall issue a license card to the narcotic practitioner concerned.

2. In the license card there shall be mentioned the name or its equivalent and the address of the narcotic handler and other particulars stipulated by the Welfare Ministry Order.

3. No license card shall be transferred or lent to any other person.

(Term of Validity of License)

Article 5: The term of validity of license for a narcotic handler shall be from the day of its issuance till December 31 of the same year.

(Invalidation of License)

Article 6: In addition to the expiration of the term of its validity and its cancellation under the provisions in Paragraph 1 of Article 51, the license of a narcotic handler shall become null and void in any of the cases mentioned hereunder:

- 1) In case the notice in Paragraph 1 of the following article has been sowed.
- 2) In case a narcotic handler has become unable to retain the qualification under any of the items in Paragraph 2 of Article 3.

(Notice of the Closing of Business and the like)

Article 7: When a narcotic handler discontinues, within the term of validity of the license, the

business or researches at the place of business or work for which the license has been obtained, notice shall be given within 15 days from the discontinuation of business or researches with the license card attached, to the Minister of Welfare in the case of the narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparation, or central narcotic wholesale dealer, and to the Metropolitan, Hokkaido or Prefectural Governor in the case of the local narcotic wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

2. The provisions in the preceding paragraph shall have modified application in the cases of disqualification of the narcotic handler under items in Paragraph 2 of Article 3.

3. In the case of death of a narcotic handler or dissolution of a narcotic handler of juridical person, its successor or the person who takes custody of the inheritance on behalf of the successor or liquidator or the trustee in bankruptcy or the representative of the juridical person who remains in existence after amalgamation with another one or a new juridical person brought into being as a result of amalgamation, shall give notice with the license card attached within 15 days from the death or dissolution, to the Minister of Welfare in the case of the narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparation, or central narcotic wholesale dealer, and to the Metropolitan, Hokkaido or Prefectural Governor in the case of the local narcotic wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

4. When the Metropolitan, Hokkaido or Prefectural Governor has received any notice in the preceding paragraphs of this article, he shall report it to the Minister of Welfare immediately.

(Return of License Card)

Article 8: When the license has been expired or it has been cancelled according to the provisions in Paragraph 1 of Article 51, the narcotic handler shall return the license card within 15 days from its expiration or cancellation to the Minister of Welfare in the case of the narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations or central narcotic wholesale dealer, and to the Metropolitan, Hokkaido or Prefectural Governor in the case of the local narcotic wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

(Notice of Changes in Particulars mentioned in License Card)

Article 9: When a change has occurred in the particulars mentioned in the license card the narcotic handler shall give a notice, with the card attached within 15 days after the occurrence of such a change, to the Minister of Welfare in the

case of the narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations or central narcotic wholesale dealer and to the Metropolitan, Hokkaido or Prefectural Governor in the case of the local narcotic wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

2. In case the Minister of Welfare or the Metropolitan, Hokkaido or Prefectural Governor has received the notice in the preceding paragraph, he shall renew the license card and deliver it to the narcotic handler concerned as soon as possible.

(Re-issuance of the License Card)

Article 10: When the license card has been damaged or lost, the narcotic handler shall apply within 15 days for re-issuance of the card, with the reasons mentioned, and with the card attached in the event of damage, to the Minister of Welfare in the case of the narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations or central narcotic wholesale dealer, and to the Metropolitan, Hokkaido or Prefectural Governor in the case of the local narcotic wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

2. If the lost license card has been found after the license card was re-issued, the narcotic handler shall return within 15 days the recovered license card to the Minister of Welfare in the case of the narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations or central narcotic wholesale dealer, and to the Metropolitan, Hokkaido or Prefectural Governor in the case of the local narcotic wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

(Fee)

Article 11: The person mentioned under each of the following items shall pay the fee fixed thereunder:

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|--|--------|
| 1) Any person who applies for the license of the narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations, or central narcotic wholesale dealer: | ¥2,000 |
| 2) Any person who applies for the license of the local narcotic wholesale dealer: | 1,500 |
| 3) Any person who applies for the license of the narcotic practitioner or narcotic administrator: | 200 |
| 4) Any person who applies for the license of the narcotic research worker: | 100 |
| 5) Any person who applies for reissuance of his license card: | 100 |

2. The fee under Item 1 of the preceding paragraph and the fee paid for re-issuance of the license card of the narcotic importer, narcotic exporter,

narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations or central narcotic wholesale dealer as mentioned under Item 5, shall go to the national treasury, but all other fees shall go to the Metropolitan, Hokkaido or Prefectural coffers.

Chapter III: Prohibition and Restriction

(Prohibitive Action)

Article 12: No one can import, export, manufacture, compound, transfer, obtain (by transfer), supply, apply, possess or destroy diacetylmorphine, its salts or narcotic drugs containing any of them. However, this rule shall not apply in case the said substances are transferred, obtained (by transfer), or destroyed with the permission secured from the Minister of Welfare by the proprietor of a narcotic research establishment or the substances are manufactured, compounded, applied or possessed by any narcotic research worker for scientific researches with the permission obtained from the Minister of Welfare.

2. No one can cultivate plants used for making narcotic drugs. However, this rule shall not apply in case such plants are cultivated for scientific researches by any research worker with the permission obtained from the Minister of Welfare.

(Importation)

Article 13: No one other than the narcotic importer shall import [narcotics (excluding here the narcotics provided for in Paragraph 1 of the preceding article and at other places of this chapter)]

(Permission for Importation)

Article 14: When a narcotic importer intends to import narcotics, he shall obtain the permission from the Minister of Welfare each time.

2. Any person who desires to obtain the permission in the preceding paragraph, shall submit to the Minister of Welfare a written application mentioning therein the items given hereunder:

- 1) The name and quantity of the narcotics whose importation is intended.
- 2) The name or its equivalent and address of the exporter.
- 3) The period of importation.
- 4) The means of transportation.
- 5) The name of the port of entry.

3. In case any person who has obtained the permission in paragraph 1, intends to change the description under any of the items in the preceding paragraph, he shall obtain the permission of the Minister of Welfare therefor.

4. The Minister of Welfare may not grant the permission in Paragraph 1 or 3 when he finds it inappropriate to do so in view of the amount of the specific narcotics held in stock and the amount of same needed domestically.

5. In case the Minister of Welfare has granted the permission in Paragraph 1, he shall issue the import permit and certificate of permission for import with the name or its equivalent and address of the applicant and the particulars required under the items in the Paragraph 2 mentioned therein.

6. When the Minister of Welfare has granted the permission in Paragraph 3, the import permit and certificate of permission for import shall be delivered after having been rewritten.

(Submission of Certificate of Permission for Export)

Article 15: When any narcotic importer has imported narcotics, he shall submit to the Minister of Welfare the certificate of permission for export issued by the country of origin, within ten days after the importation of the narcotics or after the receipt of the certificate.

(Return of Import Permit)

Article 16: In case a narcotic importer failed to import narcotics within the authorized period of importation, he shall return the import permit to the Minister of Welfare within ten days after the expiration of the period.

(Export)

Article 17: No one other than the narcotic exporter shall export narcotics.

(Permission for Exportation)

Article 18: When a narcotic exporter intends to export narcotics, he shall obtain the permission from the Minister of Welfare each time.

2. Any person who intends to obtain the permission in the preceding paragraph, shall submit to the Minister of Welfare a written application containing the following items with the certificate of permission for import issued by the country of destination attached.

- 1) The name and quantity of the narcotics whose exportation is intended.
- 2) The name or its equivalent and address of the importer.
- 3) The period of exportation.
- 4) The means of transportation.
- 5) The name of the exporting port.

3. In case any person who has obtained the permission in Paragraph 1, intends to change the description under any of the items in the preceding paragraph, he shall obtain the permission of the Minister of Welfare therefor.

4. When the Minister of Welfare has granted the permission in Paragraph 1, he shall issue the export permit and the certificate of permission for export with the name or its equivalent and address of the applicant and the particulars required under items in Paragraph 2 mentioned therein.

5. In case the Minister of Welfare has granted the permission in Paragraph 3, he shall deliver the export permit and certificate of permission for export after they have been rewritten.

6. When a narcotic exporter exports narcotics, he shall send the certificate of permission for export together with the narcotics.

(Return of Export Permit and Certificate of Permission for Export)

Article 19: In case a narcotic exporter failed to export within the authorized period of exportation of

the narcotics, he shall return within ten days after expiration of the period the export permit and certificate of permission for export to the Minister of Welfare.

(Manufacture)

Article 20: No one other than the narcotic manufacturer can manufacture narcotics. However, this rule does not apply to the manufacture of narcotics by the narcotic research worker for the purpose of research.

2. No one other than the narcotic manufacturer, narcotic compounder or producer of exempt narcotic preparations can manufacture the exempt narcotic preparations. However this rule does not apply to manufacture of same by any narcotic research worker for the research purposes.

(Permission for Manufacture)

Article 21: When a narcotic manufacturer, narcotic compounder or producer of exempt narcotic preparations intends to manufacture narcotic drugs or exempt narcotic preparations, he shall obtain the permission of the Minister of Welfare in every specified period (hereinafter called every quarter), namely, January-March, April-June, July-September, and October-December, in respect to the kind and quantity of the narcotic drugs or exempt narcotic preparations to be manufactured and also to the kind and quantity of the narcotics to be used for manufacture of the said substances.

2. The provisions in Paragraph 4 of Article 14 shall have modified application to "the permission" in the preceding paragraph.

3. In case the Minister of Welfare grants the permission in Paragraph 1, he may give instructions, when he finds it necessary, in respect to the capacity of each container in which the manufactured narcotic drug is to be put.

(Compounding)

Article 22: No one other than the narcotic manufacturer or narcotic compounder can manufacture narcotic drugs. However, this rule shall not apply in case a narcotic research worker manufactures such drugs for the research purposes.

(Permission for Compounding and Apportioning of Narcotic Drugs)

Article 23: In case a narcotic manufacturer or narcotic compounder intends to manufacture or apportion narcotic drugs, he shall obtain the permission of the Minister of Welfare every quarter in respect to the kind and quantity of the narcotic drugs to be manufactured or apportioned and also to the kind and quantity of narcotics to be used for manufacture of the narcotic drugs.

2. The provisions in Paragraph 4 of Article 14 and in Paragraph 3 of Article 21 shall have modified application in the case of permission in the preceding paragraph.

(Transfer)

Article 24: No one other than the narcotic dealer can transfer narcotics. However, this rule does not

apply in the case where the proprietor of a narcotic medical establishment transfers narcotic drugs in the form of supply to others for medical purposes.

2. No narcotic importer can transfer narcotics to anyone other than the narcotic manufacturer, narcotic compounder, central narcotic wholesale dealer or local narcotic wholesale dealer. However, this rule does not apply to the transfer of codeine, dihydrocodeine, and their salts to the producer of exempt narcotic preparation.

3. No narcotic exporter can transfer narcotics to any other person except in the case of exportation.

4. No narcotic manufacturer can transfer narcotics to any person other than the narcotic exporter, narcotic manufacturer, narcotic compounder, central narcotic wholesale dealer and local narcotic wholesale dealer. However, this rule does not apply to the transfer of codeine, dihydrocodeine and their salts to the producer of exempt narcotic preparation.

5. No narcotic compounder can transfer narcotics to any person other than the narcotic exporter, narcotic compounder, central narcotic wholesale dealer and local narcotic wholesale dealer.

6. No producer of exempt narcotic preparations can transfer narcotics.

7. No central narcotic wholesale dealer can transfer narcotics to any person other than the central narcotic wholesale dealer and local narcotic wholesale dealer.

8. No local narcotic wholesale dealer can transfer narcotics to any person other than the narcotic retail dealer, the proprietor of a narcotic medical establishment and proprietor of a narcotic research establishment in the Metropolitan, Hokkaido or Prefectural area where his licensed place of business is located.

9. No narcotic retail dealer can transfer narcotics to anyone other than the person who has a prescription directing use of narcotics (hereinafter called the narcotic prescription).

10. The provisions in the preceding nine paragraphs shall not be applied in case transfer is made with the permission of the Minister of Welfare obtained.

(Transfer of Narcotics by Narcotic Retail Dealer)

Article 25: When a narcotic retail dealer transfers narcotics to any person who has a narcotic prescription, he shall not transfer narcotics other than those prepared according to the prescription.

(Obtainment of Narcotics (by Transfer))

Article 26: No person other than the narcotic dealer, the proprietor of a narcotic medical establishment or proprietor of a narcotic research establishment shall obtain narcotics (by transfer). However, this rule shall not be applied in the following cases:

- 1) When the narcotic to be supplied by a narcotic practitioner, is obtained from the

proprietor of the narcotic medical establishment concerned.

- 2) When a person who has received a narcotic prescription, obtains from any narcotic retail dealer the narcotic drug prepared according to the prescription.

2. No narcotic dealer or the proprietor of a narcotic medical establishment, or proprietor of a narcotic research establishment shall become a party to the transfer of the narcotics which is prohibited under the provisions of Article 24.

(Application of Narcotics, Supply of Narcotics for Medical Purposes and Narcotic Prescription)

Article 27: No person other than the narcotic practitioner shall apply narcotics or supply narcotics for medical purposes or prescribe narcotic drugs. However, this rule shall not apply in the following cases:

- 1) When a narcotic research worker applies narcotics for research purposes.
- 2) When any person who has received narcotics from a narcotic practitioner, applies the narcotics.
- 3) When any person who has obtained from a narcotic retail dealer narcotic drugs prepared according to a prescription, applies such narcotic drugs.

2. No narcotic practitioner shall apply narcotics or supply same for application or prescribe narcotics for any purposes other than medical treatment.

3. Despite the provisions in the preceding paragraph, no narcotic practitioner shall apply narcotics or supply same to other persons for application or prescribe narcotics for the purpose of easing the toxic symptoms of [narcotic addicts] or curing the toxication.

4. When a narcotic practitioner prescribed any narcotic drug for a patient, he shall mention in the prescription slip the name and address of the patient (in the case of a sick animal, the kind of animal, name or its equivalent and address of the owner or caretaker), name and quantity of narcotics, way to use narcotics and dose, expected duration of use, date of writing out the prescription, name of the narcotic practitioner, number of his license, name of his place of business and its location, and the seal of the narcotic practitioner shall be affixed to the prescription.

(Possession of Narcotics)

Article 28: No person other than the narcotic handler, the proprietor of a narcotic medical establishment or the proprietor of a narcotic research establishment shall possess narcotics. However, this rule shall not apply in the case where narcotics possessed by any person who has received narcotics from the narcotic practitioner for application for medical purposes or who has obtained from the narcotic retail dealer the narcotic prepared according to a prescription.

2. No producer of exempt narcotic preparations shall possess any narcotics other than codeine, dihydrocodeine and their salts.

(Destruction of Narcotics)

Article 29: When any person wants to destroy narcotics, he shall obtain the permission of the Minister of Welfare by mentioning the kind and quantity of narcotics and means of their destruction.

Chapter IV: Handling of Narcotics

(Sealing by Certificate Stamps)

Article 30: When a narcotic importer, manufacturer or narcotic compounder transfers to others the narcotics which they have imported, manufactured or compounded or apportioned, he shall seal the container of narcotics or immediate covering of the container with the certificate stamp issued by the Government according to the provisions of the Welfare Ministry Order.

2. Narcotic dealers (excluding narcotic retail dealers) shall not transfer narcotics unless they are in the sealed condition as stipulated in the preceding paragraph.

3. No narcotic practitioner or narcotic retail dealer shall supply or transfer narcotics in the sealed condition as stipulated in paragraph 1.

4. The provisions in the preceding three paragraphs shall not apply in case narcotics are transferred with the permission in paragraph 10 of Article 24 obtained.

(Descriptions on the Container and Covering)

Article 31: Narcotic dealers (excluding narcotic retail dealers) shall not transfer any narcotic other than that packed with a container and its immediate covering bearing the mark "Ma" and also the following descriptions. However, this rule shall not apply in the case where narcotics are transferred with the permission under the provisions in paragraph 10 of Article 24 obtained. The descriptions required for the container and its immediate covering are these:

- 1) The date of importation, manufacture, compounding or apportioning of the narcotic.
- 2) Name and quantity of percentage of each narcotic ingredient.
- 3) Other particulars provided for by the Welfare Ministry Order.

(Certificate of Obtainment of Narcotics Transfer and Certificate of Transfer)

Article 32: When narcotic dealers (excluding narcotic retail dealers) transfer narcotics, the transfer shall be made only against a certificate of obtainment (by transfer) prepared by the transferee in such a form as prescribed by the Welfare Ministry Order and sealed by him, and at the delivery of the drug, the transferrer shall hand to the transferee a certificate of transfer prepared in such a form as prescribed by the Welfare Ministry Order and sealed by the former. How-

ever, this rule shall not apply in case the transfer is made with the permission under Paragraph 10 of Article 24 obtained.

2. Any person who has received the certificate of obtainment (by transfer) or certificate of transfer shall keep them for two years from the day of receiving the certificates.

(Administration of Narcotics at Narcotic Medical Establishments and Narcotic Research Establishments)

Article 33: The proprietor of a narcotic medical establishment where not less than two narcotic practitioners are engaged in medical (or dental or veterinary) treatment, shall have a narcotic administrator. However, this rule shall not apply in case the proprietor himself is the narcotic administrator.

2. The narcotic administrator (a narcotic practitioner at a narcotic medical establishment which has no narcotic administrator, and so is it with other articles in this Chapter and the Chapter that follows) or narcotic research worker shall take charge of respectively the narcotics to be applied to others at or supplied to them by the narcotic medical establishment concerned or narcotics to be used by the narcotic research establishment concerned for research purposes.

3. No narcotic practitioner shall apply at the narcotic medical establishment concerned or supply to other persons for application any narcotics other than those kept by the narcotic administrator according to the provisions in the preceding paragraph.

(Custody of Narcotics)

Article 34: The narcotic handler shall take custody, at his place of business, of the narcotics which he possesses or administers.

2. In the custody of narcotics in the preceding paragraph, the narcotics shall be kept in a locked solidly constructed storing place separately from non-narcotic medicines (excluding awakening drugs).

(Report of Unforeseen Occurrence)

Article 35: In the event of loss, theft, disappearance and other incidents in respect to the narcotics in the possession of a narcotic handler, he shall report immediately the names, quantity of narcotics and other particulars necessary for making clear the incident, to the Minister of Welfare in the case of the narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations or central narcotic wholesale dealer, or to the Metropolitan, Hokkaido or Prefectural Governor in the case of the local narcotic wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker.

2. In case the Metropolitan, Hokkaido or Prefectural Governor has received the report in the

preceding paragraph, he shall immediately report it, in his turn, to the Minister of Welfare.

(Steps to be taken in the Case of Nullified License)

Article 36: When the license of a narcotic dealer or the proprietor of a narcotic medical establishment or a narcotic research establishment has become null or when a narcotic medical establishment or a narcotic research establishment has ceased to be such establishment (except where the narcotic dealer has continued his business, after his license became null once), the licensee concerned shall report, within 15 days, the names and quantity of narcotics then in his possession to the Minister of Welfare in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations, or central narcotic wholesale dealer, and to the Metropolitan, Hokkaido or Prefectural Governor in the case of a local narcotic wholesale dealer, narcotic retail dealer, the proprietor of a narcotic medical establishment or the proprietor of a narcotic research establishment.

2. Only when the persons who are required to submit the report under the provisions of the preceding paragraph, transfer, within 50 days after the rise of the cause for submitting such report, the narcotics mentioned in the same paragraph to a narcotic dealer, the proprietor of a narcotic medical establishment or the proprietor of a narcotic research establishment (in the case of narcotics under the provisions of Paragraph 1 of Article 12, only to the proprietor of a narcotic research establishment), the provisions in Paragraph 1 of Article 12, paragraph 1 of Article 24, and in paragraph 2 of Article 26 shall not apply to the transfer and obtainment of narcotics (by transfer), and the provisions in Paragraph 1 of Article 12 and paragraph 1 of Article 28 shall have no application to the possession of the narcotics in the preceding paragraph only within the period stipulated above.

3. Any person who has transferred narcotics within the period in the preceding paragraph shall report, within 15 days after the transfer, either to the Minister of Welfare or the Metropolitan, Hokkaido or Prefectural Governor according to the arrangement made in paragraph 1, the names, quantity and date of transfer of narcotics, name or its equivalent and address of the transferee.

4. In the case of death of a narcotic dealer, the proprietor of a narcotic medical establishment or a narcotic research establishment or in the case of dissolution of a juridical person who is a narcotic dealer or who is either of the said establishments, the provisions of Paragraphs 1 and 3 shall have modified application to his or its successor, the person who takes custody of the inherited property or liquidator, trustee in bankruptcy or the representative of a juridical person who continues to be in existence as a result of amalgamation or who has been newly established through amalgamation, and the provisions in Para-

graph 2 shall be applied, with necessary modifications, to the transfer, obtainment (by transfer) and possession of narcotics when those mentioned transfer narcotics in the above case.

5. When the Metropolitan, Hokkaido or Prefectural Governor has received the report in paragraph 3 (including the report in the case of modified application, in the preceding paragraph, of the provisions in Paragraph 3), he shall report it, in his turn, to the Minister of Welfare.

Chapter V: Records and Reports
concerning Business

(Book)

Article 37: Narcotic dealers (excluding narcotic retail dealer) shall keep books at their places of business and enter the following matters therein.

- 1) The names and quantity of narcotics imported, exported, manufactured, compounded, apportioned, transferred or obtained (by transfer) or the names and quantity of those used for manufacture or compounding of narcotic drugs or destroyed, and the dates of actions taken in the above respects.
- 2) The name or its equivalent and address of the other party in the import, export or transfer or obtainment of narcotics (by transfer).
- 3) The names and quantity of narcotics on which a report has been submitted according to the provisions in paragraph 1 of Article 35.
2. The narcotic dealers (excluding narcotic retail dealers) shall keep the book in the preceding paragraph for two years [after the final entry was made.]

Article 38: Any narcotic retail dealer shall keep a book at his place of business and enter the following matters therein:

- 1) The names and quantity of narcotics obtained (by transfer) and the date of obtainment.
- 2) The names and quantity of narcotics transferred (excluding codeine, dihydrocodeine and ethylmorphine and their salts and the date of transfer.
- 3) The names and quantity of narcotics reported according to the provisions in paragraph 1 of Article 35.
- 4) The names and quantity of narcotics destroyed and the date of destruction.
2. The narcotic retail dealer shall keep the book in the preceding paragraph for two years from the day of the final entry.

Article 39: The narcotic administrator shall keep a book at his narcotic medical establishment and shall enter the following matters therein:

- 1) The names and quantity of narcotics obtained (by transfer) or destroyed by the proprietor of the narcotic medical establishment and the date of the obtainment or destruction of narcotics.
- 2) The names and quantity of narcotics (except codeine, dihydrocodeine, ethylmorphine and their salts) supplied to others by the proprietor

of the establishment for application for medical purposes and the date of transfer.

- 3) The names and quantity of narcotics (except codeine, dihydrocodeine, ethylmorphine and their salts) applied at the narcotic medical establishment and the date of application.
 - 4) The names and quantity of narcotics reported according to the provisions in paragraph 1 of Article 35.
2. When the narcotic administrator has closed the said book, he shall hand it over to the proprietor of the narcotic medical establishment immediately.
3. When the book has been handed over to the proprietor of the narcotic medical establishment according to the provisions in the preceding paragraph, he shall keep it for two years from the day of the final entry.

Article 40: The narcotic research worker shall keep a book at his narcotic research establishment and shall enter the following matters therein:

- 1) The nomenclature and quantity of narcotics which newly come in, or out of, his custody, and the date thereof.
 - 2) The nomenclature and quantity of narcotics used for manufacturing, pharmaceutical, or research purposes, and the date thereof.
 - 3) The nomenclature and quantity of narcotics declared in accordance with the provisions of Paragraph 1, Article 35.
2. When the narcotic research worker has closed the said book, he shall hand it over to the proprietor of the narcotic research establishment immediately.
3. When the book has been handed over to the proprietor of the narcotic research establishment in accordance with the provisions of the preceding paragraph, he shall keep it for two years [from the day of the final entry.]

(Records of Application of Narcotics)

Article 41: When a narcotic practitioner has applied narcotics or supplied them to others for application he shall enter in the book of medical treatment provided for under Article 23 of the Medical Practitioners' Law (Law No. 201 of 1948) or in the similar book under Article 20 of the Dentists' Law (Law No. 186 of 1949) or in the record of treatment stipulated under Article 20 of the veterinary License Law (Law No. 186 of 1949) the patient's name, address (in the case of a sick animal, its kind, and the name or its equivalent and address of its owner or caretaker), name of disease, chief symptoms, the names and quantity of narcotics applied or supplied for application and the date of application or delivery.

(Report by Narcotic Importer)

Article 42: Any narcotic importer shall report the following matters to the Minister of Welfare quarterly within 15 days after the expiration of each quarter.

- 1) The names and quantity of narcotics held at the beginning of the quarter, the quantity of narcotic in each receptacle (hereinafter referred to as

the content of a receptacle) and the number of receptacles.

- 2) The names and quantity of narcotics imported during the quarter, the content of each receptacle, the number of receptacles imported and the date of importation.
- 3) The names and quantity of narcotics transferred in the quarter, the content of each receptacle, the number of receptacles and the date of transfer.
- 4) The names and quantity of narcotics possessed at the end of the quarter, the content of each receptacle and the number of receptacles.

(Report by Narcotic Exporter)

Article 43: Any narcotic exporter shall report the following matters to the Minister of Welfare within 15 days after the expiration of the quarter:

- 1) The names and quantity of narcotics possessed at the beginning of the quarter, the content of each receptacle and the number of receptacles.
- 2) The names and quantity of narcotics exported during the quarter, the content of each receptacle, the number of receptacles and the date of exportation.
- 3) The names and quantity of narcotics obtained (by transfer) in the quarter, the content of each receptacle, the number of receptacles and the date of the transfer.
- 4) The names and quantity of narcotics possessed at the end of the quarter, the content of each receptacle and the number of receptacles.

(Reports by Narcotic Manufacturer, Narcotic Compounder and Producer of Exempt Narcotic Preparations)

Article 44: A narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations shall report the following matters to the Minister of Welfare quarterly within 15 days after the expiration of each quarter.

- 1) The names and quantity of narcotics possessed at the beginning of the quarter, the content of each receptacle and the number of receptacles.
- 2) The names and quantity of narcotics used for manufacture, or compounding of narcotic drugs or for production of exempt narcotic preparations during the quarter.
- 3) The names and quantity of narcotics manufactured, compounded or apportioned or exempt narcotic preparations produced in the quarter and per receptacle quantity of narcotics manufactured, compounded or apportioned in the quarter and the number of receptacles.
- 4) The names and quarter of narcotics transferred or obtained (by transfer) in the quarter and the content of each receptacle, the number of receptacles and date of transfer or obtainment.
- 5) The names and quantity of narcotics possessed at the end of the quarter, the content of each receptacle and the number of receptacles.
- 6) Other matters provided for by the Welfare Ministry Order.

(Report by Central Narcotic Wholesale Dealer)

Article 45: A central narcotic wholesale dealer shall report the following matters to the Minister of Welfare within 15 days after expiration of each quarter.

- 1) The names and quantity of narcotics possessed at the beginning of the quarter, the content of each receptacle and the number of receptacles.
- 2) The names and quantity of narcotics transferred or obtained (by transfer) in the quarter, the content of each receptacle, the number of receptacles and the date of transfer or obtainment.
- 3) The names and quantity of narcotics possessed at the end of the quarter, the content of each receptacle and the number of receptacles.

(Report by Local Narcotic Wholesale Dealer)

Article 46: Local narcotic wholesale dealers shall report the matter under each item of the preceding article to the Metropolitan, Hokkaido or Prefectural Governor within 15 days after the expiration of each quarter.

2. The Metropolitan, Hokkaido or Prefectural Governor shall submit to the Minister of Welfare quarterly the reports in the preceding paragraph en bloc within 15 days after the expiration of each quarter.

(Report by Narcotic Retail Dealer)

Article 47: A narcotic retail dealer shall report the matters mentioned hereunder to the Metropolitan, Hokkaido or Prefectural Governor not later than November 30 each year:

- 1) The names and quantity of narcotics possessed on October 16 the previous year.
- 2) The names and quantity of narcotics transferred or obtained (by transfer) between October 16 the previous year and October 15 the year of submitting the report.
- 3) The names and quantity of narcotics possessed on October 15 the year of submitting the report.

(Report by Narcotic Administrator)

Article 48: A narcotic administrator shall report the following matters to the Metropolitan, Hokkaido or Prefectural Governor not later than November 30 each year.

- 1) The names and quantity of narcotics possessed by the proprietor of the narcotic medical establishment concerned on October 16 the previous year.
- 2) The names and quantity of narcotics obtained (by transfer) by the proprietor of a narcotic medical establishment between October 16 the previous year and October 15 the year of submitting the report and the names and quantity of narcotics applied or supplied for application by the narcotic medical establishment concerned.
- 3) The names and quantity of narcotics possessed by the proprietor of the narcotic medical establishment concerned on October 15 the year of submitting the report.

(Report by the narcotic Research Worker)

Article 49: A narcotic research worker shall report the following matters to the Metropolitan, Hokkaido or Prefectural Governor not later than November 30 each year.

- 1) The names and quantity of narcotics under his administration on October 16 the previous year.
- 2) The names and quantity of narcotics placed under his administration anew between October 16 the previous year and October 15 the year of submitting the report, and the names and quantity of narcotics manufactured, compounded or used for research purposes.
- 3) The names and quantity of narcotics under his administration on October 15 of the year of submitting the report.

(Report on Narcotic Addicts)

Article 50: When a medical practitioner has diagnosed any person consulting him as a [narcotic addict] he shall report to the Metropolitan, Hokkaido or Prefectural Governor within whose jurisdiction the patient lives, the name, address, age and sex of the patient and [name of the narcotic to which he is addicted.]

2. When the Metropolitan, Hokkaido or Prefectural Governor has received the report in the preceding paragraph, he shall report it to the Minister of Welfare immediately.

Chapter VI: Controls

(Cancellation of License)

Article 51: In respect to the narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations or central narcotic wholesale dealer, the Minister of Welfare and in respect to the local narcotic wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator or narcotic research worker, the Metropolitan, Hokkaido or Prefectural Governor may cancel the license or order the suspension of the business or research work concerning narcotics by fixing the period therefor in case any narcotic handler has violated the provisions of this Law or the arrangements made by the Minister of Welfare or the Metropolitan, Hokkaido or Prefectural Governor which are based on the provisions of this Law or in case his conduct comes under any of Items 2 to 5 in paragraph 3 of Article 3.

2. In case the Metropolitan, Hokkaido or Prefectural Governor has cancelled the license or ordered the suspension of business or research work in accordance with the provisions in the preceding paragraph, he shall report it to the Minister of Welfare immediately.

(The Holding of a Hearing)

Article 52: When the Minister of Welfare or the Metropolitan, Hokkaido or Prefectural Governor intends to cancel the license or to order the

suspension of business or research work according to the provisions in paragraph 1 of the preceding article, he shall hold a public hearing beforehand by summoning the narcotic handler concerned or his representative.

2. In such a case as mentioned in the preceding paragraph, the Minister of Welfare or the Metropolitan, Hokkaido or Prefectural Governor shall notify the narcotic handler concerned at least one week previously of the reasons for the action to be taken, the date and place of the hearing and he shall make public the date and place of the hearing.

3. At the hearing the narcotic handler concerned may make an explanation for himself or his representative may make an explanation on behalf of the narcotic handler concerned and each of them may produce necessary evidence.

4. The Minister of Welfare or the Metropolitan, Hokkaido or Prefectural Governor may take action under the provisions in paragraph 1 of the preceding article without holding a hearing in case the narcotic handler concerned or his representative has failed to appear without justifiable reasons.

(The Seeking of Reports)

Article 53: When the Minister of Welfare or the Metropolitan, Hokkaido or Prefectural Governor finds it necessary to exercise control, he may seek reports from narcotic handlers or cause narcotic control officers or local narcotic controllers or any other staff members enter the place of business of any narcotic handler to examine books and other articles and to question the persons concerned or to take away, for test, but the minimum quantity of narcotics or exempt narcotic preparations or any other substances suspected to be narcotics or exempt narcotic preparations.

2. The staff members in the preceding paragraph shall carry with them identification cards showing their status and present same whenever so requested by the persons concerned.

3. The power provided for in paragraph 1 shall not be interpreted as recognized for criminal investigation.

(Narcotic Control Officer and Local Narcotic Controller)

Article 54: The Ministry of Welfare shall have not more than 150 narcotic control officers and the Metropolitan, Hokkaido and Prefectural Governments shall have not more than 100 local narcotic controllers in the aggregate.

2. The respective numbers of local narcotic controllers of the Metropolitan, Hokkaido and Prefectural Governments shall be fixed by the Cabinet Order.

3. The necessary particulars concerning the status of the narcotic control officer and local narcotic controller shall be stipulated by the Cabinet Order.

4. The narcotic control officers shall be appointed from among the staff members of the Ministry of Welfare by the Ministry and the local narcotic controllers shall be appointed from among

the staff members of the Metropolitan, Hokkaido and Prefectural Governments by the Governors after consultation with the chief of the district procurator's office on the same level with the district court which has jurisdiction over the chief place of duty of each of prospective local narcotic controllers.

5. The narcotic control officer and local narcotic controller shall perform, under the supervision and direction of the Minister of Welfare and of the Metropolitan, Hokkaido or Prefectural Governor respectively, the duties as judicial police officers according to the provisions of the Criminal Procedure Code (Law No. 131 of 1948), in respect to the crimes in contravention of this Law [Or the Hemp Control Law] or in respect to the crimes provided for in Chapter 14, Part 2, the Criminal Code or [the crimes due to the intoxication by narcotics.]

6. The judicial police officers under the provisions of the preceding paragraph shall cooperate with other judicial police personnel in the performance of their duties.

7. The narcotic control officer and local narcotic controller may carry small-sized weapons when they perform their duties as judicial police officers.

8. With regard to the use of weapons by the narcotic control officer and local narcotic controller as mentioned in the preceding paragraph, the provisions in Article 7 of the Law for Performance of the Duties of the Police, etc.] shall be applied.

(Place of Performance of Duties of Narcotic Control Officer)

Article 55: Any narcotic control officer shall belong to the district narcotic control officer's office to be established by law and perform his duties within the jurisdiction of the narcotic control officer's office to which he belongs.

2. Any narcotic control officer may perform his duties even outside the jurisdiction of the district narcotic control officer's office to which he belongs when and if he finds it necessary.

(Cooperation between the Narcotic Control Officer and local Narcotic Controller)

Article 56: When the Minister of Welfare finds it specially necessary for making a search, he may ask the Metropolitan, Hokkaido or Prefectural Governor for cooperation of local narcotic controllers with narcotic control officers in specific matters. In this case the local narcotic controllers shall be subjected to supervision and direction of the Minister of Welfare in so far as the search is concerned.

2. When the Metropolitan, Hokkaido or Prefectural Governor finds it specially necessary for making a search, he may apply to the Minister of Welfare for cooperation with local narcotic controllers in specific matters of the narcotic control

officers belonging to the district narcotic control officer's office which exercise controls over his (the Governor's) administrative district. In this case, the Minister of Welfare shall cause the narcotic control officers concerned to cooperate with local narcotic controllers if he considers the application reasonable.

(The Local Narcotic Controller and the Administrative District of the Metropolitan, Hokkaido or Prefectural Government)

Article 57: Besides the case provided for in the preceding paragraph, the local narcotic controller may perform his duties outside the administrative district of the Metropolitan, Hokkaido or Prefectural Government to which he belongs with the permission obtained from the Minister of Welfare when it is necessary for making a search.

(The Narcotic Control Officer and the Taking over of Narcotics)

Article 58: In connection with criminal investigation concerning narcotics, the narcotic control officer and local narcotic controller can take over narcotics from any other persons with the permission obtained from the Minister of Welfare despite the provisions of this Law.

Chapter VII: Miscellaneous Rules

(Expenses Borne by Metropolitan, Hokkaido and Prefectural Governments and Those Defrayed out of the National Treasury)

Article 59: The Metropolitan, Hokkaido and Prefectural Government shall bear the expenses in respect to the licensing and narcotic controls exercised by them in accordance with this Law.

2. The expenses required for local narcotic controllers shall be defrayed out of the National Treasury according to the provisions made by the Cabinet Order.

3. In case the local narcotic controller has performed his duties, according to the provisions in paragraph 1 of Article 56, outside the administrative district of the Metropolitan, Hokkaido or Prefectural Government to which he belongs, the direct expenses therefor shall be defrayed out of the National Treasury in accordance with the provisions made by the Cabinet Order.

(Disposition of Narcotics which have come into the Possession of State)

Article 60: With regard to the narcotics which have come into the possession of the State, the Minister of Welfare may make a necessary disposition thereof by consultation with the Minister of Finance.

Article 61: When any narcotic importer, narcotic manufacturer or narcotic compounder applies for supply of certificate stamps according to the provisions in paragraph 1 of Article 30, he shall pay to the State the price fixed by the Welfare Ministry Order within the costs of stamps.

(Treatment in the Case of Any Single Person Granted not less than two Licenses)

Article 62: When any single narcotic handler has two kinds of licenses or more, he shall be regarded as a different narcotic handler in respect to each license in the matter of application of the provisions concerning the transfer and obtainment (by transfer) of narcotics.

Article 63: Except where this Law leaves arrangements with the Cabinet Order, the procedures of operating this Law and the particulars necessary for the execution of this Law shall be stipulated by the Welfare Ministry Order.

Chapter VIII: Penal Clauses

Article 64: Any person who has violated the provisions shall be liable to the penal servitude of not exceeding seven years.

2. An attempt at the crime in the preceding paragraph shall be liable to punishment.

Article 65: Any person who has violated the provisions in paragraph 2 of Article 12, Article 13, Article 17, Article 20, Article 22, paragraphs 1-9 of Article 24, Article 26, paragraphs 1-3 of Article 27 or Article 28 shall be liable to the penal servitude not exceeding five years or to a fine not exceeding ¥100,000 or to both.

2. Any attempted crime under the preceding paragraph shall be liable to punishment.

3. If there are proper articles for cases in the preceding paragraphs in the Criminal Code, these cases shall be dealt with in accordance with this Code.

Article 66: Any person who has violated the preceding two articles shall be liable to the penal servitude not exceeding seven years or to the penal servitude not exceeding seven years and concurrently to a fine not exceeding ¥500,000 according to circumstances.

Article 67: Any person who has committed an offence, from habit, against Article 64 or Article 65, he shall be liable to the penal servitude from one year to ten years inclusive.

2. In case one's conduct coming under the provisions of the preceding paragraph constitutes an offence against the provisions of the preceding article, the offender shall be liable to the penal servitude from one year to ten years inclusive or concurrently to a fine not exceeding ¥500,000 according to circumstances.

Article 68: In the case of offences under the preceding four articles, the narcotics owned or possessed by the offender shall be confiscated. However, the narcotics may be left unconfiscated if those carried by the offender are under the ownership of any other person.

Article 69: Any person who commits the offence under any of the following items shall be liable to the penal servitude not exceeding three years or to a fine not exceeding ¥50,000 or to both.

- 1) Importation of narcotics without first obtaining the permission in contravention of the provisions in paragraph 1 of Article 14.
- 2) Exportation of narcotics without first obtaining the permission in contravention of the provisions in paragraph 1 of Article 18.
- 3) Manufacture of narcotic drugs or exempt narcotic preparations without first obtaining the permission in contravention of paragraph 1 of Article 21.
- 4) Compounding or apportioning of narcotics without first obtaining the permission in contravention of paragraph 1 of Article 23.
- 5) Violation of the provisions in Article 25.
- 6) Violation of the order of suspension of business or research work under the provisions in paragraph 1 of Article 51.

Article 70: Any person who commits the offence under any of the following items shall be liable to the penal servitude not exceeding one year or to a fine not exceeding ¥30,000 or to both.

- 1) Violation of the provision in paragraph 3 of Article 4.
- 2) Giving false descriptions in prescribing narcotics according to the provisions in paragraph 4 of Article 27.
- 3) Destruction of narcotics without first obtaining the permission under the provisions of Article 29.
- 4) Violation of the provisions in paragraphs 1-3 of Article 30 or the provisions in Article 31.
- 5) Delivery of narcotics without previously receiving the certificate of obtainment (by transfer) under the provisions in paragraph 1 of Article 32 or delivery not in exchange for the certificate.
- 6) Delivery of narcotics without handing the certificate of transfer under the provisions in paragraph 1 of Article 32.
- 7) Giving false descriptions in the certificate of obtainment (by transfer) or certificate of transfer under the provisions in paragraph 1 of Article 32.
- 8) Violation of the provisions in paragraph 2 of Article 32 or the provisions of Article 33 or Article 34.
- 9) Submission of a false report when a report is submitted under the provisions in paragraph 1 of Article 35 or paragraph 1 of Article 36 (including the cases in paragraph 4 of the same article wherein these provisions are applied with necessary modifications) or under the provisions in paragraph 3 of the same article (including the cases in paragraph 4 of the same article wherein the provisions in this paragraph are applied with necessary modifications).
- 10) Keeping no book or making no entry in the book or making false entries in contravention of the provisions in paragraph 1 of Article 37, paragraph 1 of Article 38, paragraph 1 of Article 39 and paragraph 1 of Article 40.
- 11) Failure of preserving the book (for the

prescribed period) in contravention of the provisions in paragraph 2 of Article 37, paragraph 2 of Article 38, paragraph 3 of Article 39 or paragraph 3 of Article 40.

- 12) Making false entries in the record of treatment or the book of treatment under the provision of Article 41.
- 13) Forging or alteration of a narcotic prescription.

Article 71: Any person who has violated the provisions in paragraph 1 of Article 35, paragraph 1 of Article 36 (including the cases in paragraph 4 of the same article wherein the provisions in this paragraph are applied with necessary modifications), or paragraph 3 of the same article (including the cases in this paragraph are applied with necessary modifications), paragraph 2 of Article 39, paragraph 2 of Article 40, Article 41 or paragraph 1 of Article 50, shall be liable to the penal servitude not exceeding six months or to a fine not exceeding ¥10,000 or to both.

Article 72: Any person who comes under any of the following items shall be liable to a fine not exceeding ¥50,000.

- 1) One who has failed to make a report or who has made a false report in contravention of the provisions in Articles 42-45, paragraph 1 of Article 46 or Articles 47-49.
- 2) One who has failed to submit the report under the provisions in paragraph 1 of Article 53 or submitted a false report or who has rejected, obstructed or excepted against the entry into his place of business, inspection or the taking away of narcotics.

Article 73: Any person who has violated the provisions in paragraph 1 of Article 7 (including the cases in paragraph 4 of the same article wherein the provisions in this paragraph are applied with necessary modifications) or paragraph 3 of the same article, Article 15 or paragraph 6 of Article 18, shall be liable to a fine not exceeding ¥10,000.

Article 74: In case the representative of a juridical person or natural person or anyone engaged for work has committed offence, in connection with business of the juridical or natural person, against the provisions in [paragraph 1 or 2 of Article 65] or Article 66, paragraph 2 of Article 67 or Article 69-73, not only shall the offender be punished but the juridical person or natural person concerned shall be liable to the fines provided for in the articles applicable to such offence.

Article 75: Any person who has violated the provisions in Article 8 or Article 10 shall be liable to a fine not exceeding ¥10,000.

Supplementary Rules

(Date of Enforcement)

1. This Law shall become effective on and after April 1, 1953.

(Abolishment of the Narcotic Control Law)

2. The Narcotic Control Law (Law No. 123 of 1948, hereinafter referred to as "the Old Law") shall be abolished.

(Transitory Regulations)

3. The license and permission granted or any other action taken by the Minister of Welfare according to the Old Law shall be regarded as such as granted or taken by the Minister of Welfare or the Metropolitan, Hokkaido or Prefectural Governor in accordance with this Law in case there are corresponding provisions in this Law.

4. The license card for any narcotic handler issued according to the Old Law shall be regarded as such as issued in accordance with this Law.

5. The certificate stamp issued under the provisions in paragraph 1 of Article 29 of the Old Law and the sealing made under the provisions in the same paragraph of the same article shall be regarded as such as issued and made in accordance with the provisions in paragraph 1 of Article 30 of this Law.

6. The certificate of obtainment (by transfer) and the certificate of transfer handed according to the provisions in paragraph 1 of Article 13 of the Old Law, shall be regarded as such certificates as handed in accordance with the provisions in paragraph 1 of Article 32 of this Law.

7. With regard to the proprietor of a veterinary establishment for treatment of animals where not less than two narcotic practitioners are engaged for treatment, the provisions in paragraph 1 of Article 33 of this Law shall not be applied within three months from the coming into effect of this Law.

8. At the veterinary establishment for treatment of animals in the preceding paragraph the narcotic practitioners engaged in treatment shall administer the narcotics applied there and supplied for application until the proprietor of the establishment himself becomes the narcotic administrator or he appoints the narcotic administrator and no narcotics other than those administered by the practitioners shall be applied at the establishment or supplied for application.

9. Any person who has violated the provisions in the preceding paragraph shall be liable to the penal servitude not exceeding one year or to a fine not exceeding ¥30,000 or to both.

10. The book preserved, at the time of the coming into effect of this Law, under the provisions in paragraph 3 of Article 14 of the Old Law shall be regarded as the book under paragraph 1 of Article 37, paragraph 1 of Article 38, paragraph 1 of Article 39 or paragraph 1 of Article 40 of this Law.

11. Any narcotic practitioner, narcotic administrator or narcotic research worker who actually preserves the book in the preceding paragraph at the time of the coming into effect of this Law shall hand it over to the proprietor of the narcotic medical establishment or narcotic research establishment concerned immediately.

12. Any person who has violated the provisions in the preceding paragraph shall be liable to the penal servitude not exceeding six months or to a fine not exceeding ¥10,000 or to both.

13. When the proprietor of a narcotic medical establishment or narcotic research establishment has received the book according to the provisions of paragraph 11, he shall preserve same for two years from the day of the final entry.

14. Any person who has violated the provisions in the preceding paragraph shall be liable to the penal servitude not exceeding one year or to a fine not exceeding ¥30,000 or to both.

15. The provisions of Article 74 shall be applied with necessary modifications in the case of a violation of the provisions in the preceding paragraph.

16. The application of the Penal Rules shall be made according to the past practice in respect to the offences committed before this Law coming into effect (excluding the offences in respect to the narcotics under the Old Law which are not treated as narcotics or exempt narcotic preparations in this Law and excluding also the offences in respect to exempt narcotic preparations under the Old Law).

17. In case the persons in the Government service stationed as narcotic control officers in the Metropolis, Hokkaido and Prefectures under the provisions in Article 52-(2) of the Old Law at the time of the coming into effect of this Law, are to become local narcotic controllers of the Metropolis, Hokkaido and Prefectures, the provisions of Article 52 of the Old Law shall apply to them as long as they are engaged in business concerning narcotic controls except where the provisions in Article 10 of the Supplementary Rules of the Law for Amendment of the Pension Law (Law No. 77 of 1947) are applied.

18. The State-owned movables which are used for the conduct of business by the narcotic control officers stationed in the Metropolis, Hokkaido and Prefectures at the time of the coming into effect of this Law, may be transferred to the Metropolitan, Hokkaido and the Prefectural Governments in spite of the provisions in Article 3 of the Law concerning Gratuitous Lending and Transfer, etc. of Government Articles (Law No. 229 of 1947). In this case the provisions in paragraph 2 of Article 5 of the said Law shall have modified application.

19. In the 1953 fiscal year alone the fees paid under the provisions in paragraph 1 of Article 11 shall go to the National Treasury despite the provisions in paragraph 2 of the said article and the State shall grant sums, as provided for in the budget and pursuant to this Law, to the Metropolitan, Hokkaido and Prefectural Governments despite the

provisions in paragraphs 2 and 3 of Article 59 and in Item 6-(2) of Article 10 of the local Finance Law (Law No. 190 of 1948) as amended by this Law, in order to defray the expenses for the licensing made by the Metropolitan, Hokkaido and Prefectural Governors and for other business concerning narcotic controls.

(Revision of Part of the Pharmaceutical Law)

20. Part of the Pharmaceutical Law shall be revised as follows:

"_____ coca leaves, cocaine, codeine, morphine, opium" shall be deleted from Item 6 of Article 41.

(Revision of Part of the Ministry of Welfare Establishment Law)

21. Part of the Ministry of Welfare Establishment Law.

(Law No. 151 of 1949) shall be revised as follows: Item 49 of Article 5 shall be revised as to read:

49. _____ shall license the narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations and central narcotic wholesale dealer, and cancel their licenses and order the suspension of their business.

(Revision of Part of the Local Finance Law)

22. Part of the Local Finance Law shall be revised as follows:

The following shall be added to Article 10 after Item 6:

Item 6-(2): The expenses required for narcotic controllers.

Annexed List:

1. ~~Opium~~; Coca leaf.
2. Morphine; its salts.
3. Diacetylmorphine; other esters of morphine; their salts.
4. Codeine; ethylmorphine; other esters of morphine; their salts.
5. Dihydromorphine; dihydromorphinone; methyl-dihydromorphinone, dihydrodesoxymorphine; N-allyl-nor-morphine; dihydrocodeine; dihydrocodeinone; dihydrohydroxycodeinone; thebaine; their esters.
6. The salts of substances mentioned above.
7. Morphine-N-oxide; other 5-N-morphines; their derivatives.
8. Ecgonine; its salts.
9. Cocain; other esters of ecgonine; their salts.
10. 1-methyl-4-phenylpiperidine-4-carbonic acid ethyl ester; its salts.
11. 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone; its salts.
12. 1-methyl-4-(3-hydroxyphenyl)-piperidine-4-carbonic acid ethyl ester; its salts.
13. Alpha-1-3-dimethyl-4-phenyl-4-propionoxypiperidine; its salts.

14. Beta-1-3-dimethyl-4-phenyl-4-propionoxypiperidine; its salts.
15. 4,4-diphenyl-6-dimethylamino heptanone-3; its salts.
16. 4,4-diphenyl-5-methyl-6-dimethylamino hexanone-3; its salts.
17. 4,4-diphenyl-6-dimethylamino heptanol-3; its salts.
18. 4,4-diphenyl-6-dimethylamino-3-acetoxyheptane; its salts.
19. 4,4-diphenyl-6-morpholinoheptanone-3; its salts.
20. Beta-1-methyl-3-ethyl-4-phenyl-4-propionoxypiperidine; its salts.
21. 3-hydroxy-N-methylmorphinane; its salts.
22. 3-methoxy-N-methylmorphinane; its salts.
23. Substances which may be abused in the same way as those mentioned above and may have similar harmful effects and which are specified by Cabinet Order.
24. Substances which contain any of the narcotics under the preceding items except those which contain less than 10-1000th of codeine, dihydrocodeine or their salts, but which contain no other narcotics under the preceding items.

E/NL.1954/146

Regulations for the
Enforcement of the Narcotic Control Law
(Ministry of Welfare Ordinance No.14)

^{of 18 April 1953}
Pursuant to the provisions of Art. 4, para. 2, Art. 30, para. 1, Art. 32, para. 1, Art. 44, para. 6, Art. 61 and Art. 63, of the Narcotic Control Law, the Regulations for the Enforcement of the Narcotic Control Law are hereby enacted, as follows:

(Application for license)

Art. 1. A person who, in accordance with Art. 3, para. 1, of the Narcotic Control Law (hereinafter referred to as the Law), wishes to receive the license of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations, or narcotic central wholesale dealer, must present an application to the Minister of Welfare through the chief of the narcotic control officer's local office having jurisdiction over the applicant's business office, and also a person who wishes to receive the license of a narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator, or narcotic research worker, must present an application to the Governor of To (Tokyo Metropolis), Do (Hokkaido), Fu (Urban Prefecture), Ken (Prefecture) having jurisdiction over the place of the applicant's business office. The said application (Annexed Form No.1), in which the matters mentioned below are entered, must be accompanied by a paper proving that the applicant comes under each Item of Paragraph 2, Article 3 of the Law and by another paper proving that he does not come under Items 2-5, Paragraph 3, Article 3 of the same Law.

(1) Name and domicile of the applicant (appellation and location of the principal office, in case of a juristic person).

(2) Appellation and location of business office.

(3) In case of a narcotic practitioner or narcotic research worker, appellation and location of the medical establishment or narcotic research establishment, where in a subsidiary manner, he engages in medical examination and treatment or research.

(License)

Art. 2. Matters to be entered in the license in accordance with Art. 4, para. 2, of the Law shall be as mentioned below, and the form of the license shall be Annexed Form No. 2.

(1) License number.

(2) Appellation and location of business office.

(3) In case of a narcotic practitioner or narcotic research worker, appellation and location of the medical establishment or narcotic research establishment, where, in a subsidiary manner, he engages in medical examination and treatment or research.

(Report on discontinuance, etc. of business)

Art. 3. When a narcotic handler wishes to report under Art. 7, para. 1, of the Law (including cases where the same paragraph is applied mutatis mutandis under the second paragraph of this Article), he shall present a report (Annexed Form No. 3), in which the matters mentioned below are entered, to the Minister of Welfare through the chief of the narcotic control officer's local office having jurisdiction over the place of the reporter's business office, in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations, or narcotic central wholesale dealer. However, in the case of any other narcotic handler, the same report shall be presented to the Governor of To, Do, Fu, or Ken having jurisdiction over the place of his business office.

(1) Name and domicile of the reporter (appellation and location of the principal office, in case of a juristic person).

(2) License number and license date.

(3) Appellation and location of business office.

(4) Reason and date of discontinuance of business.

2. The provisions of the preceding Paragraph shall also apply mutatis mutandis in cases where reports are filed under Art. 7, para. 3, of the Law.

Art. 4. When a narcotic handler wishes to return the license under Art. 10, para. 2, of the Law, he shall present a report for the purpose (Annexed Form No. 4), in which the matters mentioned below are entered, and accompanied by the license, to the Minister of Welfare through the chief of the narcotic control officer's local office having jurisdiction over the place of the reporter's business office, in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations or narcotic central wholesale dealer. However, in the case of any other handler, the same report accompanied by the license shall be presented to

the Governor of To, Do, Fu, or Ken having jurisdiction over the place of his business office.

(1) Name and domicile of the reporter (appellation and location of the principal office, in case of a juristic person).

(2) License number and license date.

(3) Appellation and location of business office.

(4) Reason and date of return of the license.

(Alteration of entries in the license)

Art. 5. When a narcotic handler wishes to report any alteration of the entries in the license under Art. 9, para. 1, of the Law, he shall present a report for the purpose (Annexed Form No. 5), in which the matters mentioned below are entered, and accompanied by the license, to the Minister of Welfare through the chief of the narcotic officer's local office having jurisdiction over the place of his business office, in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations or narcotic central wholesaler dealer. However, in the case of any other narcotic handler, the same report accompanied by the license shall be presented to the Governor of To, Do, Fu, or Ken having jurisdiction over the place of his business office.

(1) Name and domicile of the reporter (appellation and location of the principal office, in case of a juristic person).

(2) License number and license date.

(3) Matters to be altered.

(4) Reason and date of alteration.

(Application for second grant of license)

Art. 6. When a narcotic handler wishes to apply for a second grant of the license under Art. 10, para. 1, of the Law, he shall present an application for the purpose (Annexed Form No. 6), in which the matters mentioned below are entered, to the Minister of Welfare through the chief of the narcotic control officer's local office having jurisdiction over the place of the applicant's business office, in the case of a narcotic importer, narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations, or narcotic central wholesale dealer. However, in the case of any other narcotic handler, the same application shall be filed with the Governor of To, Do, Fu, or Ken having jurisdiction over the place of his business office.

(1) Name and domicile of the applicant (appellation and location of the principal office, in case of a juristic person).

(2) License number and license date.

(3) Reason for second grant and date.

(Application for authorization of import and export)

Art. 7. When a narcotic importer or narcotic exporter wishes to secure authorization for an import or export of narcotics under Art. 14, para. 1, or Art. 18, para. 1, of the Law, an application for the purpose (Annexed Form No. 7), as provided in Art. 14, para. 2, or Art. 18, para. 2, of the Law,

shall be presented to the Minister of Welfare through the chief of the narcotic control officer's local office having jurisdiction over the place of his business office.

2. The provision of the preceding paragraph shall apply mutatis mutandis when a narcotic importer or narcotic exporter wishes to have the authorized matters altered under the provisions of Art. 14, para. 3 or Art. 18, para. 3, of the Law.

(Application for authorization of manufacture, compounding, and subdivision)

Art. 8. When a narcotic manufacturer or narcotic compounder wishes, under Art. 21, para. 1, or Art. 23, para. 1, of the Law, to secure authorization for the manufacture or compounding or subdivision of narcotics, an application for the purpose (Annexed Form No. 8), in which the matters mentioned below are entered, shall be presented to the Minister of Welfare through the chief of the narcotic control officer's local office having jurisdiction over the place of his business office.

(1) Name and location of the applicant (appellation and location of the principal, in case of a juristic person).

(2) License number and license date.

(3) Appellation and location of business office.

(4) Items and quantities of narcotics to be manufactured, compounded or subdivided.

(5) Items and quantities of narcotics to be used in manufacture or compounding.

(6) Period of manufacture, compounding, or subdivision.

2. When a narcotic manufacturer, narcotic compounder, or producer of exempt narcotic preparations wishes, under Art. 21, para. 1, of the Law, to secure authorization for the manufacture of exempt narcotic preparations, an application for the purpose (Annexed Form No. 9), in which the matters mentioned below are entered, shall be presented to the Minister of Welfare through the chief of the narcotic control officer's local office having jurisdiction over the place of the applicant's business office.

(1) Name and domicile of the applicant (appellation and location of the principal office, in case of a juristic person).

(2) License number and license date.

(3) Category of license.

(4) Appellation and location of the business office.

(5) Items and quantities of exempt narcotic preparations to be manufactured.

(6) Items and quantities of narcotics to be used in manufacture.

(7) Period of manufacture.

(Application for authorization of transfer)

Art. 9. A person who wishes, under Art. 24, para. 10, of the Law, to secure authorization for the transfer of narcotics shall present an application (Annexed Form No. 10), in which the matters mentioned below are entered, to the Minister of Welfare through the chief of the narcotic control

officer's local office having jurisdiction over the place of his business office (but over the place where the narcotics to be transferred are stored, in case the transferor is other than a narcotic handler).

(1) Name and location of the applicant (appellation and location of the principal office, in case of a juristic person).

(2) License number and license date.

(3) Category of license.

(4) Appellation and location of business office.

(5) Items and quantities of narcotics to be transferred, size of each vessel and number thereof.

(6) Transferee.

(7) Reason of transfer.

(Application for authorization of destruction)

Art. 10. When a person wishes, under Art. 29 of the Law, to secure authorization to destroy narcotics, he shall present an application (Annexed Form No. 11), in which the matters mentioned below are entered, to the Minister of Welfare through the chief of the narcotic control officer's local office having jurisdiction over the place of his business office (but over the place where the narcotics to be destroyed are stored, in case the applicant is other than a narcotic handler).

(1) Name and domicile of the applicant (appellation and location of the principal office, in case of a juristic person).

(2) License number and license date.

(3) Category of license.

(4) Appellation and location of business office.

(5) Items and quantities of narcotics to be destroyed.

(6) Reason of destruction.

(Sealing certificate stamps)

Art. 11. When, under Art. 30, para. 1, of the Law, the vessels containing narcotics or direct wrappers of such vessels are to be sealed by government-issued stamps, the certificate stamps of the kinds mentioned below shall be used according to the vessels or wrappers. In the case of ampoules, certificate stamps shall be put on the direct wrappers, and in the case of other vessels, on the vessels themselves, in such manner that, unless the seal is removed, the narcotics cannot be taken out.

(1) Certificate stamp of Annexed Form No. 12 for sealing a vessel containing a kilogram or more.

(2) Certificate stamp of Annexed Form No. 13 for sealing a vessel containing from 25 grams to less than a kilogram.

(3) Certificate stamp of Annexed Form No. 14 for sealing a vessel containing less than 25 grams or a direct wrapper of ampoule of the same quantity.

2. When a narcotic importer, narcotic manufacturer, or narcotic compounder wishes, under Art. 30, para. 1, of the Law to receive a delivery of government-issued certificate stamps, an application for the purpose (Annexed Form No. 15), in

which the matters mentioned below are entered, shall be presented to the Minister of Welfare through the chief of the narcotic control officer's local office having jurisdiction over the place of the applicant's business office.

- (1) Name and domicile of the applicant (appellation and location of the principal office, in case of a juristic person).
- (2) License number and license date.
- (3) Category of license.
- (4) Appellation and location of business office.
- (5) Kinds of certificate stamps.

(Transferee's certificate and transferor's certificate)

Art. 12. The transferee's certificate and transferor's certificate, under Art. 32, para. 1, of the Law, shall accord in form with Annexed Form No. 16 and Annexed Form No. 17 respectively.

(Report on difference of quantities)

Art. 13. A narcotic manufacturer, narcotic compounder, or producer of exempt narcotic preparations, when the items and quantities of narcotics and the capacity and number of vessels on hand at the beginning of a period differ with the items and quantities of narcotics and the capacity and number of vessels on hand at the end of the same period, which is not accounted for by manufacture, compounding, subdivision, taking in transfer and giving in transfer, must file a report on the reason of difference in accordance with Art. 44, para. 6, of the Law.

(Certificate of narcotics taken away for test)

Art. 14. The narcotic control officer or local narcotic controller or any other official concerned, before taking away narcotics, exempt narcotic preparations, or preparations open to suspicion, must give a certificate therefor (Annexed Form No. 18).

(Identification card)

Art. 15. The identification card which an official concerned carries with him, under Art. 53, para. 2, of the Law, showing his status must accord in form with Annexed Form No. 19.

(Prices of certificate stamps)

Art. 16. The prices of certificate stamps as provided in Art. 61 of the Law shall be as follows:

- (1) A certificate stamp for Art. 11, para. 1, item 1 20yen
- (2) A certificate stamp for Art. 11, para. 1, item 2 10yen
- (3) A certificate stamp for Art. 11, para. 1, item 3 5yen

(Payment of fees, etc.)

Art. 17. Of the fees as provided for in Art. 11, para. 1, of the Law, those accruing to the national treasury as revenue under para. 2 of the same Art., as well as the prices of certificate stamps as provided for in Art. 61 of the Law, shall respectively be paid in revenue stamps put on the applications.

(Entries of prescriptions, etc.)

Art. 18. The prescriptions under Art. 27, para. 2, of the Law, certificates of taking in transfer and of giving in transfer under Art. 32, para. 1, of the Law, books under Art. 37, para. 1, of the Law, Art. 38, para. 1, of the Law, Art. 39, para. 1, of the Law, and Art. 40, para. 1, of the Law, as well as the records under Art. 41 of the Law must be entered in Indian ink or in ink.

Supplementary provisions

(Date of enforcement)

1. The Ministerial Ordinance shall come into force from the day of its promulgation.

(Repeal of the former Regulations for the Enforcement of the Narcotic Control Law)

2. The Regulations for the Enforcement of the Narcotic Control Law (Ministry of Welfare Ordinance No. 26, of 1948) shall hereby be repealed.

(Transitional provision)

3. The certificate stamps issued under Art. 29, para. 1, of the former Narcotic Control Law (Law No. 123, of 1948) prior to the commencement of this Ministerial Ordinance shall be treated as ones coming under Art. 11, para. 3.

Date

The Minister of Welfare,
Katsumi Yamagata.

Annexed Form No. 1

Revenue
Stamp

Application for authorization of business of a narcotic importer (narcotic exporter, narcotic manufacturer, producer of exempt narcotic preparation, narcotic central wholesale dealer, narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator, narcotic research worker)

Business office: Location
 Appellation

In case of a narcotic practitioner or narcotic research worker, appellation and location of narcotic medical establishment or narcotic research establishment, where subsidiary work is done.

Remarks:

To the Minister of Welfare
(Governor of To, Do, Fu, or Ken)

Date _____

Application is hereby presented for authorization
of the above-mentioned business.

Domicile

Name or appellation (Seal)

Remarks: Size of paper, standard Japanese size B5 (length 257 milli-metres x width 182 milli-metres)

Annexed Form No. 2

License No.

License for a narcotic importer (narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations, narcotic central wholesale dealer, narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator, narcotic research worker)

Business office: Location
 Appellation

In case of a narcotic practitioner or narcotic research worker appellation and location of the narcotic medical establishment or narcotic research establishment where subsidiary work is done.

Domicile

Name

Date _____

To the Minister of Welfare
(Governor of To, Do, Fu, or Ken)

Business for the year _____ of a narcotic importer

(narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations, narcotic central wholesale dealer, narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator, narcotic research worker)

being authorized, this license is hereby granted.

Official Seal

Remarks: Size of paper, standard Japanese size B5 (257 milli-metres in length x 182 milli-metres in width)

Annexed Form No. 5

Report of altering the entries on license of a narcotic importer (narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotics preparations, narcotic central wholesale dealer, narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator, narcotic research worker)

License number	License date _____	
Before alteration	Business office:	Location
		Appellation
	Name _____	
After alteration	Business office:	Location
		Appellation
	Name _____	

Reason of alteration and its date _____

To the Minister of Welfare (Governor of To, Do, Fu, or Ken) _____ Date _____

Report, accompanied by the license, is hereby presented, as I desire the entries on the license altered.

Domicile _____
Name or appellation _____ (Seal)

Remarks: Size of paper, standard Japanese size B5 (length 257 milli-metres x width 182 milli-metres)

Annexed Form No. 6

Application for a second grant of license of a narcotic importer (narcotic exporter, narcotic manufacturer, narcotic compounder, producer of exempt narcotic preparations, narcotic central wholesale dealer, narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator, narcotic research worker)

License number	License date _____	
Business office:	Location	
		Appellation

Reason for a second grant and its date _____

To the Minister of Welfare (Governor of To, Do, Fu, or Ken) _____ Date _____

Application is hereby presented for a second grant of the license.

Domicile _____
Name or appellation _____ (Seal)

Remarks: Size of paper, standard Japanese size B5 (length 257 milli-metres x width 182 milli-metres)

Annexed Form No. 7

Application for authorization of narcotic import (export)

License number _____ License date _____

Category of license _____

Items and quantities of narcotics to be imported (exported)

Name or appellation and domicile of exporter (importer)

Period of import (export)

Method of transport

Port of import (export)

Date _____

To the Minister of Welfare,

Application for authorization of a narcotic import (export) is hereby presented.

Business office: Location
Appellation
Domicile (seal)
Name or appellation

Remarks: Size of paper, standard Japanese size B4 (length 257 milli-metres x width 364 milli-metres)

Annexed Form No. 8

Application for authorization of narcotic manufacture (narcotic compounding, narcotic subdivision)

License number _____ License date _____

Category of license _____

Items and quantities of narcotics to be manufactured (compounded, subdivided)

Items and quantities of narcotics to be used for manufacture (compound, subdivision)

Item	Quantity	Item	Quantity

Period of manufacture (compounding, subdivision)

Date _____

To the Minister of Welfare,

Application is hereby presented for manufacture (compounding, subdivision) of as mentioned above.

Business office: Location
Appellation
Name or appellation (Seal)

Remarks: Size of paper, standard Japanese size B4 (length 257 milli-metres x width 364 milli-metres)

Annexed Form No. 9

Application for authorization of production of exempt narcotic preparations

License number _____ License date _____

Category of license _____

Item and quantity of exempt narcotic preparation to be manufactured _____

Item and quantity of narcotics to be used for manufacture _____

Period of manufacture _____

To the Minister of Welfare,

Date _____

Application is hereby presented for the manufacture of exempt narcotic preparations, as mentioned above.

Business office: _____ Location _____
Appellation _____

Domicile _____

Name or appellation (Seal) _____

Remarks: Size of paper, standard Japanese size B4 (length 257 milli-metres x width 364 milli-metres)

Annexed Form No. 10

Application for authorization of transfer of narcotics

License number _____ License date _____

Category of license _____

Item and quantity of narcotics to be transferred, capacity and number of vessels _____

License number _____ License date _____

Category of license _____

Business office: _____ Location _____
Appellation _____

Name or appellation _____

Reason of transfer _____

To the Minister of Welfare,

Date _____

Application is hereby presented for the transfer of narcotics, as mentioned above.

Business office: _____ Location _____
Appellation _____
Domicile _____

Name or appellation,
status of the applicant (Seal) _____

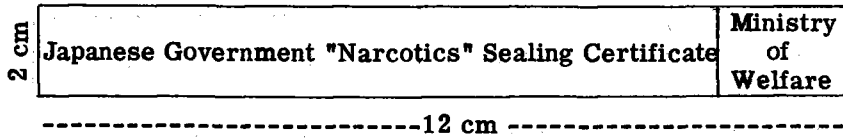
Remarks: Size of paper, standard Japanese size B4 (length 257 milli-metres x width 364 milli-metres)

Annexed Form No. 11

Application for authorization to destroy narcotics

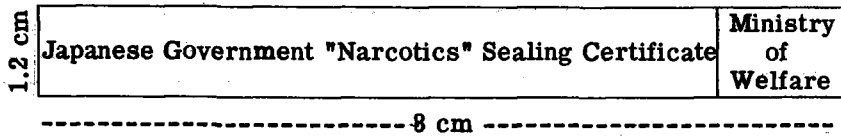
License number	License date
Category of license	
Item and quantity of narcotics to be destroyed	
Method of destruction	
Reason of destruction	
To the Minister of Welfare,	Date
Application is hereby presented for destruction of narcotics, as mentioned above.	
Business office:	Location Appellation Domicile
Name or appellation, (seal) status of the applicant	
Remarks: Size of paper, standard Japanese size B5 (length 257 milli-metres x width 182 milli-metres)	

Annexed Form No. 12



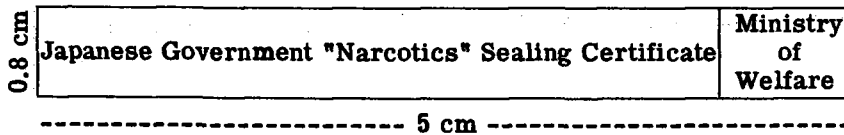
Remark: Pattern in crimson, "Narcotics" in white letters on crimson ground

Annexed Form No. 13



Remark: Pattern in crimson, "Narcotics" in white letters on crimson ground

Annexed Form No. 14



Remark: Pattern in crimson, "Narcotics" in white letters on crimson ground

Annexed Form No. 15

Application for Delivery of Sealing Certificates

Kinds of sealing certificate stamps	Quantity	Unit price	Sum	Remarks
Sealing certificate stamp No. 12	number	20 yen	yen	
Sealing certificate stamp No. 13	number	10 yen	yen	
Sealing certificate stamp No. 14	number	5 yen	yen	
Total	number		yen	

To the Minister of Welfare,

Date _____

Application is hereby presented for delivery of the stamps mentioned above.

Category of license and license number

Domicile

Location of business office

Name or appellation (seal)

Remarks: Size of paper, standard Japanese size B6 (length 182 milli-metres x width 128 milli-metres)

Annexed Form No. 16

FACE

Date _____ Transferee's Certificate

Category of transferee's license

Transferee's license number

Name or appellation of transferee

(seal)

Narcotic administrator in the facilities concerned, narcotic practitioner, or narcotic research worker in case transferee is proprietor of narcotic medical establishment or is proprietor of narcotic research establishment

License number

Name of person concerned

(seal)

Appellation and location of business office

Item	Vessels		Quantity	Remarks
	Capacity	Number		

BACK

Caution

1. Entries must be made in Indian ink or in ink.
2. Blank space must be crossed by oblique lines.
3. Matters other than for entries must not be printed or stamped or entered.
4. One who has made false entries shall be liable to penal servitude not exceeding one year or fine not exceeding 30,000 yen or both.

Remarks: Size of paper, standard Japanese size B5 (length 257 milli-metres x width 182 milli-metres)

FACE

Date	Transferor's Certificate			
Category of transferor's license	Transferor's license number			
Name or appellation of transferor			(seal)	
Appellation or location of business office				
Items	Vessels		Quantities	Remarks
	Capacity	Number		

BACK

Caution

1. Entries must be made in Indian ink or in ink.
2. Blank space must be crossed by oblique lines.
3. Matters other than for entries must not be printed or stamped or entered.
4. One who has made false entries shall be liable to penal servitude not exceeding one year or fine not exceeding 30,000 yen or both.

Remarks: Size of paper, standard Japanese size B5 (length 257 milli-metres x width 182 milli-metres)

Annexed Form No. 18

Number _____

Certificate for narcotics taken away for test

Location of business office

Category of license and license number

Name or appellation

Place from where narcotic preparation is taken away

Item and quantity

By virtue of Art. 53, para. 1, of the Narcotic Control Law, the above mentioned narcotic preparation is taken away for experiment.

Date

Name

(seal)

Number _____

Note for narcotics taken away for test

Location of business office

Category of license and license number

Name or appellation

Place from where narcotic preparation is taken away

Item and quantity

Date

One who took away

Office

Name of person

Remarks

Remarks: Size of paper, standard Japanese size B5 (length 257 milli-metres x width 182 milli-metres)

----- 8 cm -----

12 cm (outside)	<p>Space for photograph</p>
	<p>Number _____</p> <p style="text-align: right;">Government office Name of person Date of birth</p> <p style="text-align: center;">By authority of Art. 53 CERTIFICATE OF of Narcotic Control Law ENTRY AND EXAMINATION</p> <p style="text-align: center;">Date of issue (Valid for one year)</p> <p style="text-align: center;">Issued by The Ministry of Welfare (To, Do, Fu, or Ken Government) (Official seal)</p>

By virtue of Art. 53 of the Narcotic Control Law, the person who carries this certificate has the authority to enter the establishment and conduct examination.

Extract from Narcotic Control Law

Article 53: When the Minister of Welfare or the Metropolitan, Hokkaido or Prefectural Governor finds it necessary to exercise control, he may seek reports from narcotic handlers or cause narcotic control officers or local narcotic controllers or any other staff members enter the place of business of any narcotic handler to examine books and other articles and to question the persons concerned or to take away, for test, but the minimum quantity of narcotics or exempt narcotic preparations or any other substances suspected to be narcotics or exempt narcotic preparations.

2. The staff members in the preceding paragraph shall carry with them identification cards showing their status and present same whenever so requested by the persons concerned.

3. The power provided for in paragraph 1 shall not be interpreted as recognized for criminal investigation.

Order for the Enforcement of the Narcotic Control Law

(March 31, 1953, Cabinet Order No. 57)

The Cabinet, pursuant to the provisions of Article 54, Paragraphs 2 and 3, of the Narcotic Control Law (Law No. 14, of 1953), hereby enacts this Cabinet Order. (Fixed number of Narcotic Controllers for To (Tokyo Metropolis), Do (Hokkaido), Fu (Urban Prefecture), and Ken (Prefecture))

Article 1. The fixed number of narcotic controllers for To, Do, Fu, and Ken shall be as follows:

Divisions	Fixed number of local narcotic controllers
Tokyo-to	4
Hokkai-do, Aichi-ken, Kyoto-fu, Osaka-fu, Hyogo-ken, and Fukuoka-ken . .	3 each
Aomori-ken, Iwate-ken, Miyagi-ken, Akita-ken, Yamagata-ken, Fukushima-ken, Ibaraki-ken, Tochigi-ken, Gumma-ken, Saitama-ken, Chiba-ken, Kanagawa-ken, Niigata-ken, Toyama-ken, Ishikawa-ken, Fukui-ken, Yamanashi-ken, Nagano-ken, Gifu-ken, Shizuoka-ken, Miye-ken, Shiga-ken, Nara-ken, Wakayama-ken, Tottori-ken, Shimane-ken, Okayama-ken, Hiroshima-ken, Yamaguchi-ken, Tokushima-ken, Kagawa-ken, Ehime-ken, Kochi-ken, Saga-ken, Nagasaki-ken, Kumamoto-ken, Oita-ken, Miyazaki-ken, and Kagoshima-ken	2 each

(Qualifications for a Narcotic Control Officer and a local Narcotic Controller)

Article 2. Unless a person comes under any of the following items, he cannot be a narcotic control officer or a local narcotic controller:

1. One who has been in the business concerning narcotic control for a total of two years or more.
2. One who has been in the administrative business concerning pharmacy for a total of three years or more.
3. One who has studied the subject of jurisprudence or of pharmacy in a university conforming to the School Education Law (Law No. 26, of 1947) or the former University Ordinance (Imperial Ordinance No. 388, of 1918), and has graduated therefrom, and has the title of Gakushi.
4. One who has studied the subject of jurisprudence or of pharmacy in a short-term university conforming to the School Education Law or in a professional school conforming to the former Professional School Ordinance (Imperial Ordinance No. 61, of 1903), and after graduation therefrom, has been in the business concerning narcotic control for one year or more.

Supplementary provisions

1. This Cabinet Order shall come into force as from April 1, 1953.
2. One who, at the commencement of this Order, may be a narcotic control officer under Article 52, paragraph 2, of the former Narcotic Control Law (Law No. 123, of 1948), shall be qualified to be a narcotic control officer or a local narcotic controller irrespective of the provisions of Article 2, if only there be no intermission in his service as a narcotic control officer or a local narcotic controller.
3. The Ministry of Welfare Organization Order (Cabinet Order No. 388, of 1951) shall be amended in part, as follows:
 In the provision of Item 1 of Article 38, "the Narcotic Control Law (Law No. 123, of 1948)" shall be so amended as to read "the Narcotic Control Law (Law No. 14, of 1952)".

Order for the Specification of Narcotics
(Cabinet Order No. 22, March 1, 1954)

The Cabinet, pursuant to the provisions of No. 23 of the Annexed List of the Narcotic Control Law (Law No. 14 of 1953) hereby enacts this Cabinet Order.

Pursuant to the provisions of No. 23 of the Annexed List of the Narcotic Control Law, undermentioned substance shall be specified as narcotics.

1. Alpha-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane and its salts.
2. Alpha-6-dimethylamino-4,4-diphenyl-3-heptanol and its salts.
3. Beta-6-dimethylamino-4,4-diphenyl-3-acetoxyheptane and its salts.
4. 3-dimethylamino-1,1-di-(2-thienyl)-1-butene and its salts.
5. 3-ethylmethylamino-1,1-di-(2-thienyl)-1-butene and its salts.
6. 3-diethylamino-1,1-di-(2-thienyl)-1-butene and its salts.
7. 6-methyl- Δ^6 -desoxymorphine and its salts.

Supplementary Provision

This Cabinet Order shall come into force as from the day when 30 days have passed reckoning from the day of its promulgation.

E/NL.1954/149 (Definitions)

1954/149

THE OPIUM ACT
(Act No. 71 of 22 April 1954)

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SECTION I

General Provisions

(Purpose of the Act)

Article 1

The purpose of this Act is to establish the necessary control of the export, import, acquisition and sale of opium by the State, the cultivation of the poppy and the alienation, acquisition and possession of opium and of poppy straw, in order to ensure the proper distribution of opium for the purposes of medical treatment and scientific research.

(State monopoly)

Article 2

The right to import, export and purchase opium from poppy growers or research cultivators of category A, and to sell opium to narcotic drugs manufacturers or to owners of narcotics research establishments, vests exclusively in the State.

Article 3

For the purposes of this Act the definitions given in the following sub-paragraphs shall apply:

- (i) "Poppy" means Papaver somniferum L., Papaver setigerum DC. and such other plants related to the poppy as the Minister of Welfare may designate;
- (ii) "Opium" means the juice of the poppy which has been coagulated or subjected to any treatment excluding galenical preparations;
- (iii) "Poppy straw" means the parts of the poppy except the seeds from which narcotics can be extracted;
- (iv) "Poppy cultivator" means a poppy grower, a research cultivator of category A or a research cultivator of category B;
- (v) "Poppy grower" means a person who, being approved under article 12, paragraph (1) of this Act, cultivates the poppy for the purpose of delivering the opium produced to the State;
- (vi) "Research cultivator of category A" means a person who, being approved under article 12, paragraph (1) of this Act, cultivates the poppy for the purposes of scientific research related to the production of opium;
- (vii) "Research cultivator of category B" means a person who, being approved under article 12, paragraph (2) of this Act, cultivates the poppy for the purposes of scientific research unrelated to the production of opium;
- (viii) "Narcotic drugs manufacturer" means a narcotics drugs manufacturer within the meaning of the Narcotics Control Act (Act No. 14 of 1953);
- (ix) "Narcotics research worker" means a narcotics research worker within the meaning of the Narcotics Control Act;
- (x) "Narcotics research establishment" means a narcotics research establishment within the meaning of the Narcotics Control Act.

SECTION II

Prohibited Acts

(Prohibition of poppy cultivation)

Article 4

No person other than a poppy cultivator may cultivate the poppy.

(Prohibition of opium production)

Article 5

No person other than a poppy grower or a research cultivator of category A may produce opium.

(Prohibition of import and export)

Article 6

(1) No person shall import or export opium unless appointed by the State to do so.

(2) No person not thereto authorized by the Ministry of Welfare may import or export poppy straw.

(Prohibition of alienation and acquisition)

Article 7

(1) No person may alienate opium otherwise than to the State or acquire opium otherwise than from the State.

(2) No person other than a poppy cultivator, a narcotic drugs manufacturer or the owner of a narcotics research establishment may alienate or acquire poppy straw.

(3) The persons specified in the preceding paragraph may not alienate poppy straw otherwise than to, nor acquire poppy straw otherwise than from, persons specified in the same paragraph.

(Prohibition of possession)

Article 8

(1) No person other than a poppy grower, a research cultivator of category A, a narcotic drugs manufacturer, a narcotics research worker or the owner of a narcotics research establishment may possess opium.

(2) A poppy grower or research cultivator of category A shall not possess opium other than that produced by himself.

(3) Possession of the opium produced shall not be retained by a poppy grower or a research cultivator of category A after the final date for delivery appointed each year by the Minister of Welfare pursuant to article 30 of this Act.

(4) A narcotic drugs manufacturer, narcotics research worker or owner of a narcotics research establishment shall not possess opium other than opium acquired through its sale by the State.

(5) No person other than a poppy cultivator, a narcotic drugs manufacturer, a narcotics research worker or the owner of a narcotics research establishment may possess poppy straw.

(Prohibition of smoking)

Article 9

No person may smoke opium or poppy straw.

(Prohibition of destruction)

Article 10

No person not thereto authorized by the Ministry of Welfare may destroy opium.

SECTION III

Cultivation

(Site and area of plantation)

Article 11

The Minister of Welfare shall designate and announce each year the sites and areas of plantations on which poppy growers or research cultivators of category A may cultivate the poppy.

(Approval of cultivation)

Article 12

(1) A person desiring to cultivate the poppy with a view to delivering the opium produced to the State or for the purposes of scientific research related to the production of opium shall, after settling the site and area of the plantation and the details of the opium drying chamber and the storage chamber, obtain the approval of the Minister of Welfare.

(2) A person desiring to cultivate the poppy for the purposes of scientific research unrelated to the production of opium shall, after settling the site and area of the plantation, obtain the approval of the Minister of Welfare.

(3) Applications for approval as aforesaid shall be submitted to the Minister of Welfare through the governor of the prefecture^{1/} in which the plantation is situated.

(4) On receipt of an application as aforesaid, the prefecture^{2/} governor shall conduct the necessary enquiry and shall forward the application, with his comments, to the Minister of Welfare.

(Grounds of disqualification)

Article 13

Approval under paragraph (1) or paragraph (2) of the preceding article shall be withheld from a person who falls into any of the following categories, that is to say, who is:

- (i) a minor;
- (ii) under a disability or a partial disability;
- (iii) mentally deranged or addicted to narcotic drugs, marihuana or opium.

^{1/}Translator's note: The term "prefecture", as used in this translation, means a to, do, fu or ken.

^{2/}Translator's note: The adjective "prefectural", as used in this translation, means "of a (the) to, do, fu or ken".

(Restriction of approval)

Article 14

Approval under article 12, paragraph (1) or (2) may be withheld from an applicant who falls into any of the following categories; that is to say:

- (i) if the applicant is a person from whom approval was withdrawn not more than three years previously under article 42 of this Act;
- (ii) if the applicant has been sentenced to a penalty more severe than a fine for an offence under this Act, under the Narcotics Control Act or under the Taima Control Act (Act No. 124 of 1948) or for an offence under section II, chapter 42, of the Penal Code and a period of three years has not yet expired since the execution of the sentence was completed or suspended;
- (iii) if the applicant intends to cultivate the poppy on a site deemed unsuitable from the point of view of cultivation or control;
- (iv) if the applicant lacks an area for cultivation sufficient for the purposes specified in his application. This shall not apply, however, in the case of cultivation for the purposes of scientific research;
- (v) if it appears that the applicant lacks the administrative and technical qualifications requisite in a poppy cultivator;
- (vi) if the applicant, being a body corporate or association of any kind, employs a person falling into one of the categories specified in any sub-paragraph of the preceding article or in sub-paragraph (i) or (ii) above.

(Cultivator's licence)

Article 15

(1) When approval has been granted under article 12, paragraph (1) or (2), the Minister of Welfare shall issue a cultivator's licence to the applicant.

(2) The following particulars shall be entered in the cultivator's licence:

- (i) The name or style of the poppy cultivator;
- (ii) The address of the poppy cultivator;
- (iii) The site of the plantation;
- (iv) The area of the plantation;
- (v) Other particulars prescribed by ordinance by the Ministry of Welfare.

(3) Particulars concerning the opium drying chamber and storage chamber shall be entered, in addition to the particulars referred to in the preceding paragraph, in a licence issued to a poppy grower or to a research cultivator of Category A.

(4) A cultivator's licence shall not be transferred or lent to another person.

(Term of validity of approval)

Article 16

Approval granted under article 12, paragraph (1) or (2) of this Act shall be effective for not more than one year from, and shall expire on 30 September next following the date of grant.

(Prohibition of cultivation outside the plantation area)

Article 17

(1) No poppy cultivator shall cultivate the poppy elsewhere than at the approved site or on an area exceeding that approved for cultivation.

(2) No poppy grower or research cultivator of category A shall dry opium elsewhere than in an approved opium drying chamber or store opium elsewhere than in an approved opium storage chamber.

(Changes in approval)

Article 18

(1) A poppy cultivator may apply to the Minister of Welfare for modification of the approval granted under article 12, paragraph (1) or (2) of this Act in respect of the site of the plantation, the area of the plantation, the opium drying chamber or the opium storage chamber, except where the proposed changes extend beyond the boundary of a prefecture.

(2) The provisions of article 12, paragraphs (3) and (4) of this Act shall apply mutatis mutandis to an application as aforesaid and the provisions of article 14, sub-paragraphs (iii) to (v) of this Act shall apply mutatis mutandis to modification of approval as aforesaid.

(3) An application submitted under paragraph (1) shall be accompanied by the licence.

(4) If the Minister of Welfare modifies the approval pursuant to paragraph (1) he shall correct the pertinent particulars in the licence and deliver it to the applicant.

(Precautionary measures)

Article 19

(1) Pending the delivery of the opium produced to the State a poppy grower or research cultivator of category A shall store it in a locked and secure place. The opium may, however, be kept in a locked accommodation during the drying process.

(2) In addition to the measures provided for in the preceding paragraph, the Ministry of Welfare shall prescribe by ordinance if necessary measures to be taken by a poppy cultivator to prevent damage, theft or loss or otherwise to protect opium or poppy straw.

(Reporting of accidents)

Article 20

In the event of damage, theft, loss or other mishap to the opium or poppy straw owned by a poppy cultivator, he shall immediately submit to the Minister of Welfare, through the prefectural governor, a report explicitly stating the amount of opium or poppy straw involved and all other important and pertinent facts.

(Alienation or destruction of poppy straw)

Article 21

(1) A poppy cultivator who alienates poppy straw to or acquires poppy straw from a narcotic drugs

manufacturer, the owner of a narcotics research establishment or another poppy cultivator shall within fifteen days report to the Minister of Welfare, through the prefectural governor, the particulars prescribed by ordinance by the Ministry of Welfare.

(2) A poppy cultivator intending to destroy poppy straw shall give prior notice to the prefectural governor of the time when, the place where and the method by which the poppy straw is to be destroyed.

(3) A poppy cultivator destroying poppy straw shall use the methods specified in the notice aforesaid: provided, however, that if he receives instructions from an opium control officer concerning the method of destruction he shall comply with these instructions.

(Reporting of changes)

Article 22

(1) If it becomes necessary to amend the particulars referred to in article 15, paragraph (2), sub-paragraphs (i) and (ii) of this Act, the poppy cultivator shall within fifteen days submit to the Minister of Welfare, through the prefectural governor, a statement of the reasons for the amendment.

(2) The statement aforesaid shall be accompanied by the cultivator's licence and by documentary proof of the reasons alleged.

(3) The provisions of article 18, paragraph (2) of this Act shall apply *mutatis mutandis* to the statement referred to in paragraph (1) above.

(Replacement of licence)

Article 23

(1) A poppy cultivator whose licence is lost or damaged shall within fifteen days submit to the Minister of Welfare, through the prefectural governor, an application for the replacement thereof.

(2) The application aforesaid shall include a statement of the grounds on which it is made and, in the case of a damaged licence, shall be accompanied by the licence.

(3) If the lost licence is found by the poppy cultivator after a new licence in replacement thereof has been issued to him as aforesaid, he shall return the original licence to the Minister of Welfare, through the prefectural governor, within fifteen days.

(Notice of lapse of approval)

Article 24

(1) On the death of a poppy cultivator or the liquidation of a poppy cultivating business by a body corporate, the heir, the custodian of the estate acting on behalf of the heir, the liquidator or the receiver in bankruptcy, and the representative of a body corporate in the event of the establishment of such a body by incorporation or in the event of the continuation of a business after incorporation, shall within fifteen days give notice

thereof to the Minister of Welfare through the prefectural governor.

(2) The notice aforesaid shall be accompanied by the cultivator's licence.

(Notice of cessation of activities)

Article 25

(1) A poppy cultivator who discontinues poppy cultivation or research shall immediately give notice to the Minister of Welfare through the prefectural governor.

(2) The approval granted under article 12, paragraph (1) or (2) of this Act shall terminate when notice is given as aforesaid.

(Duty of poppy grower to cultivate)

Article 26

A poppy grower shall not discontinue the cultivation of the poppy or reduce the area under cultivation except for cogent reasons.

(Return of licence)

Article 27

A poppy cultivator whose approval terminates shall return his licence to the Minister of Welfare, through the prefectural governor, within fifteen days.

(Procedure to be adopted on termination of approval, etc.)

Article 28

(1) A poppy cultivator whose approval terminates pursuant to article 25, paragraph (2) of this Act or from whom approval is withdrawn under article 42 of this Act shall within fifteen days report to the Minister of Welfare, through the prefectural governor, the amount of opium and poppy straw in his possession at the time.

(2) The provisions of article 8, paragraph (1) of this Act concerning the possession of opium shall not apply to a poppy cultivator as aforesaid, with respect to the opium in question, during the period of fifty days commencing on the date of the occurrence.

(3) With respect to the possession of poppy straw by a poppy cultivator as aforesaid, the provisions of article 7, paragraph (2) of this Act shall not apply, during the period of fifty days commencing on the date of the occurrence, to the alienation of poppy straw by such a person to a poppy cultivator, to a narcotic drugs manufacturer or to the owner of a narcotics research establishment, nor shall the provisions of article 8, paragraph (5) of this Act apply, during the same period, to the possession of poppy straw by such persons.

(4) The provisions of article 21 of this Act shall apply, *mutatis mutandis*, to every case in which, during the period aforesaid, a person referred to in the preceding paragraph alienates or destroys the poppy straw referred to in that paragraph.

(5) On the death of a poppy cultivator or the liquidation of a poppy cultivating business by a body corporate, the provisions of any of the preceding paragraphs of this article shall apply mutatis mutandis to the heir, to the custodian of the estate acting on behalf of the heir, to the liquidator or to the receiver in bankruptcy, and to the representative of a body corporate in the event of the establishment of such a body by incorporation or in the event of the continuation of a business after incorporation.

SECTION IV

Acquisition and Sale

(Acquisition)

Article 29

The State shall acquire all opium produced by poppy growers or by research cultivators of category A.

(Final date for delivery)

Article 30

The Minister of Welfare shall each year appoint and give public notice of the final date for the delivery to the State of opium produced by poppy growers or by research cultivators of category A.

(Purchase price)

Article 31

(1) The Minister of Welfare shall, in consultation with the Minister of Finance and having due regard to the conditions under which poppy cultivators operate, to the cost of import of opium and to other economic conditions, determine the purchase price of opium acquired by the State.

(2) The Minister of Welfare shall announce the purchase price of opium not later than 30 September each year.

(Payment of purchase price)

Article 32

(1) The State shall evaluate the morphine content of the opium delivered by a poppy grower or by a research cultivator of category A, and shall pay as the purchase price an amount proportionate to the said content.

(2) The amount of the purchase price shall be determined by the price announced by the Minister of Welfare, pursuant to paragraph (2) of the foregoing article, for the year preceding the year of acquisition.

(3) The method by which the evaluation referred to in paragraph (1) of this article is made shall be prescribed by ordinance by the Ministry of Welfare.

(4) The State may pay in advance, before the results of the evaluation referred to in paragraph (1) of this article are known, a part of the purchase price of the opium acquired.

(Disaster relief grants)

Article 33

If the poppy crop cultivated by a poppy grower suffers severe damage, after germination but before collection of the opium, in consequence of storm, flood, earthquake, hail, cold, snow, frost, drought, disease or some other disaster, the State may, if the amount of the purchase price for the opium collected during the particular year is less than 70 per cent of the amount of the purchase price in a normal year calculated in the manner prescribed by Government ordinance, pay a relief grant the amount of which shall not exceed 50 per cent of the difference between the amount of 70 per cent of the purchase price for a normal year and the amount of the purchase price for the particular year.

(Sale)

Article 34

The State shall sell the opium in its possession to narcotic drug manufacturers or to owners of narcotics research establishments.

(Selling price)

Article 35

(1) The selling price of opium shall be determined by Government ordinance.

(2) In determining the selling price of opium, the following expenditures shall be taken into consideration: cost of importing, acquiring and storing opium, administrative expenses, and the amount of the relief grants, if any, made under article 33.

SECTION V

Administration

(Storage)

Article 36

(1) A narcotic drugs manufacturer or narcotics research worker shall store in a locked and secure place opium which is in his possession or under his stewardship.

(2) A narcotic drugs manufacturer or narcotics research worker shall store in a locked place poppy straw which is in his possession or under his stewardship.

(Reporting of accidents)

Article 37

If an accident occurs in connexion with opium or poppy straw in the possession or under the stewardship of a narcotic drugs manufacturer or of a narcotics research worker, the provisions of article 20 shall apply mutatis mutandis.

(Destruction of poppy straw)

Article 38

The provisions of article 21, paragraphs (2) and (3) of this Act shall apply, mutatis mutandis, to a

narcotic drugs manufacturer or the owner of narcotics research establishment who destroys poppy straw.

(Record books)

Article 39

(1) A narcotic drugs manufacturer shall enter the following particulars in the record book prescribed by article 36, paragraph (1) of the Narcotics Control Act:

- (i) The amount of opium acquired, used in the manufacture of narcotic drugs or destroyed, and the date of the occurrence;
- (ii) The amount of poppy straw imported, exported, alienated, acquired, used in the manufacture of narcotic drugs or destroyed, and the date of the occurrence;
- (iii) The name or style, and address, of the other party involved in the import, export, sale or purchase of poppy straw;
- (iv) The amount of opium or poppy straw reported under article 20 of this Act to which the provisions of article 37 apply mutatis mutandis.

(2) A narcotics research worker shall enter the following particulars in the record book prescribed by article 40, paragraph (1), of the Narcotic Drugs Control Act:

- (i) The amount of opium or poppy straw newly received into or removed from his stewardship and the date of the occurrence;
- (ii) The amount of opium or poppy straw used for research purposes, and the date of such use;
- (iii) The amount of opium or poppy straw reported under article 20 of this Act to which the provisions of article 37 apply mutatis mutandis.

(Reports)

Article 40

(1) Within fifteen days after the end of each of the periods January to March, April to June, July to September and October to December a narcotic drugs manufacturer shall report the following particulars to the Ministry of Welfare:

- (i) The amount, if any, of opium or poppy straw held by him at the beginning of the period;
- (ii) The amount, if any, of opium used during the period for the manufacture of narcotic drugs;
- (iii) The name or style, and address, of the other party to a sale or purchase and the amount, if any, of poppy straw alienated, acquired, destroyed or used during the period in the manufacture of narcotic drugs;
- (iv) The amount, if any, of opium or poppy straw held by him at the end of the period.

(2) A narcotics research worker shall report the following particulars to the prefectural governor not later than 30 November of each year:

- (i) The amount, if any, of opium or poppy straw under his stewardship on 16 October of the previous year;

(ii) The amount, if any, of opium or poppy straw newly placed under his stewardship or used for research purposes during the period from 16 October of the previous year to 15 October of the current year;

(iii) The amount, if any, of opium or poppy straw under his stewardship on 15 October of the present year.

(Procedure to be followed on invalidation of permit, etc.)

Article 41

(1) If a narcotic drugs manufacturer's permit becomes invalid or a narcotics research establishment ceases to satisfy the definition of such an establishment (except in the case of a person taking over the business of a narcotic drugs manufacturer after the invalidation of the narcotic drugs manufacturer's permit), the narcotic drugs manufacturer shall within fifteen days report to the Minister of Welfare, and the owner of the said establishment shall within the same time limit report to the prefectural governor, the amount of opium and poppy straw in his possession at the time.

(2) The provisions of article 8, paragraph (1) of this Act concerning the possession of opium shall not apply to a person as aforesaid, with respect to the opium in question, during the period of fifty days commencing on the date of the occurrence.

(3) With respect to the possession of poppy straw by a person as aforesaid, the provisions of article 7, paragraph (2) of this Act shall not apply, during the period of fifty days commencing on the date of the occurrence, to the alienation of poppy straw by such a person to a poppy cultivator, to a narcotic drugs manufacturer or to the owner of a narcotics research establishment, nor shall the provisions of article 8, paragraph (5) of this Act apply during the same period, to the possession of poppy straw by such persons.

(4) The provisions of article 21 of this Act shall apply, mutatis mutandis, to every case in which, during the period aforesaid, a person referred to in the preceding paragraph alienates or destroys the poppy straw referred to in that paragraph.

(5) On the death of a poppy cultivator or the liquidation of a poppy cultivating business by a body corporate, the provisions of any of the preceding paragraphs of this article shall apply mutatis mutandis to the heir, to the custodian of the estate acting on behalf of the heir, to the liquidator or to the receiver in bankruptcy, and to the representative of a body corporate in the event of the establishment of such a body by incorporation or in the event of the continuation of a business after incorporation.

SECTION VI Control

(Withdrawal of approval)

Article 42

(1) The Minister of Welfare shall withdraw approval from a poppy cultivator to whom

sub-paragraph (ii) or (iii) of article 13 of this Act becomes applicable.

(2) The Minister of Welfare may withdraw approval from a poppy cultivator who acts in contravention of the provisions of this Act, of regulations made under this Act or of measures enacted by the Minister of Welfare, or to whom sub-paragraph (ii) or (vi) of article 14 of this Act becomes applicable.

Article 43

(1) If the Minister of Welfare proposes to withdraw approval pursuant to the preceding article, he shall, before doing so, conduct a public hearing to which he shall summon the poppy cultivator concerned, or his representative.

(2) In a case as aforesaid, the Minister of Welfare shall give notice to the poppy cultivator concerned one week in advance, stating the grounds for his action and the date and place of the hearing; he shall likewise give public notice of the date and place of the hearing.

(3) The poppy cultivator concerned (or his representative) may defend himself (or his principal) at the hearing, and may submit evidence.

(4) If the poppy cultivator concerned, or his representative, without proper cause fails to appear, the Minister of Welfare may adopt the measures provided for in the preceding article without conducting a hearing.

(Collection of information)

Article 44

(1) The Minister of Welfare may, whenever he deems it necessary for the purposes of opium and poppy straw control, apply to a poppy cultivator, narcotic drugs manufacturer or narcotics research worker for the requisite information, and may direct a person appointed in advance from among narcotics control officers or pharmaceutical inspectors to enter the plantation of a poppy cultivator, an opium drying or storage chamber, a poppy straw storage chamber, a narcotic drugs factory or a narcotics research establishment, to inspect account books and other objects, to question any person concerned and to remove a small quantity of opium or poppy straw, or materials suspected of being such, for testing purposes.

(2) The prefectural governor may, whenever he deems it necessary for the purposes of opium and poppy straw control, apply to a poppy cultivator or narcotics research worker for the requisite information, and may direct a person appointed in advance from among narcotics control officers or pharmaceutical inspectors to enter the plantation of a poppy cultivator, an opium drying or storage chamber, a poppy straw storage chamber or a narcotics research establishment, to inspect account books and other objects, to question any person concerned and to remove a small amount of opium or poppy straw, or materials suspected of being such, for testing purposes.

(3) A person appointed pursuant to the two preceding paragraphs shall be called an opium control officer.

(4) An opium control officer shall carry an identity card, which shall be produced at the request of the party concerned.

(5) The powers conferred by paragraphs (1) and (2) above shall be deemed to provide for criminal investigation.

(6) If it appears to a prefectural governor that it is necessary to take action under article 42 against a poppy cultivator, he shall so report to the Minister of Welfare.

(Receipt of opium by a narcotics control officer or a pharmaceutical inspector)

Article 45

Nothing in this Act shall prevent a narcotics control officer or a pharmaceutical inspector, when investigating an offence involving opium or poppy straw, from receiving opium or poppy chaff from any person with the permission of the Minister of Welfare.

SECTION VII

Miscellaneous Provisions

(Fees)

Article 46

The fees specified in the following sub-paragraphs shall be payable to the Treasury by the persons referred to therein; that is to say, by:

(i) A person applying for approval as a poppy cultivator:

500 yen per application.

(ii) A person applying for modification of his approval as a poppy cultivator:

300 yen per application.

(iii) A person applying for the replacement of a poppy cultivator's licence:

100 yen per cultivator's licence.

(Subsidies)

Article 47

The State shall, as prescribed by government ordinance, provide prefectural authorities with the funds necessary to meet the costs incurred through the performance by prefectural governors of their duties under this Act.

(Disposal of opium falling to the Treasury by operation of law)

Article 48

The Minister of Welfare may, after consultation with the Minister of Finance, take such steps as may be necessary to dispose of opium (except opium delivered under the provisions of this Act) or poppy straw falling to the State Treasury pursuant to Government ordinances.

(Treatment of cases in which one person has more than one qualification)

Article 49

A poppy cultivator who is also a narcotic drugs manufacturer or the owner of a narcotics research establishment or, being a narcotic drugs manufacturer, is also the owner of a narcotics research establishment, shall, for the purposes of applying the provisions of this Act relating to the sale or purchase of opium or of poppy straw, be considered separately in each capacity. The same treatment shall be applied to a person who, being the holder of a narcotic drugs manufacturer's permit, owns more than one narcotics research establishment.

(Executive regulations)

Article 50

In addition to the matters required by this Act to be regulated by Government ordinance, detailed regulations governing procedural and other measures to give effect to this Act shall be prescribed by ordinance by the Ministry of Welfare.

SECTION VIII

Penal Provisions

Article 51

(1) A person acting in contravention of articles 4, 5, 6, 7, 8 (paragraphs (1), (2) and (5)) or 9 shall be liable to a term of penal servitude not exceeding five years or to a fine not exceeding 100,000 yen, or to both penalties.

(2) Any person attempting to act in contravention of the aforesaid articles shall be liable to a fine.

Article 52

A person committing an offence as aforesaid for purposes of gain shall be liable to a term of penal servitude not exceeding seven years, or to a term of penal servitude not exceeding seven years and to a fine not exceeding 500,000 yen, according to the circumstances.

Article 53

(1) A person repeatedly committing an offence referred to in article 51 shall be liable to a term of penal servitude of not less than one year and not more than ten years.

(2) If an offence referred to in the preceding paragraph falls under the provisions of the preceding article, the offender shall be liable to a term of penal servitude of not less than one year and not more than ten years, or to a term of penal servitude of not less than one year and not more than ten years and to a fine not exceeding 500,000 yen, according to the circumstances.

Article 54

Opium or poppy chaff which is the subject of an offence under any of the three preceding articles

shall be seized if found in the possession or on the person of the offender, but shall not be seized if in the possession of a person other than the offender.

Article 55

A person acting in contravention of article 8, paragraph (3) or of article 17 shall be liable to a term of penal servitude not exceeding three years or to a fine not exceeding 50,000 yen, or to both penalties.

Article 56

Where the provisions of Section II, Chapter 14, of the Penal Code conflict with those of articles 51, 52, ~~53~~ or 55 of this Act in relation to the same offence, the more severe penalty shall apply.

Article 57

A person shall be liable to a term of penal servitude not exceeding one year or to a fine not exceeding 50,000 yen, or to both penalties, if he commits any of the following offences; that is to say, if he:

- (i) destroys opium without being authorized thereto under article 10;
- (ii) acts in contravention of article 15, paragraph (4), article 19, paragraph (1), or article 36, paragraph (1) of this Act;
- (iii) submits false information in a report under article 20 (including the cases to which the provisions of article 37 apply mutatis mutandis), under article 28, paragraph (1) (including the cases to which the provisions of paragraph (5) of the same article apply mutatis mutandis) or under article 41, paragraph (1) (including the cases to which the provisions of paragraph (5) of the same article apply mutatis mutandis);
- (iv) fails to enter in the record book, or enters falsely therein, the particulars prescribed by article 39, paragraphs (1) and (2), of this Act.

Article 58

A person acting in contravention of article 20 (including the cases to which the provisions of article 37 apply mutatis mutandis), article 28, paragraph (1) (including the cases to which the provisions of paragraph (5) of the same article apply mutatis mutandis), article 36, paragraph (2) and article 41, paragraph (1) (including the cases to which the provisions of paragraph (5) of the same article apply mutatis mutandis) shall be liable to a term of penal servitude not exceeding six months or to a fine not exceeding 10,000 yen, or to both penalties.

Article 59

A person shall be liable to a fine not exceeding 50,000 yen if he commits either of the following offences; that is to say, if he:

- (i) in contravention of article 21, paragraph (1) (including the cases to which the provisions

of article 28, paragraph (4), or of article 41, paragraph (4) apply mutatis mutandis) or of article 40, paragraphs (1) and (2) of this Act, fails to furnish information or furnishes false information;

- (ii) in contravention of article 44, paragraphs (1) and (2) of this Act, fails to furnish information, furnishes false information, or evades, hinders or refuses to permit entry, inspection or the removal of samples.

Article 60

A person acting in contravention of article 24, paragraph (1) or of article 25, paragraph (1) of this Act shall be liable to a fine not exceeding 10,000 yen.

Article 61

If an offence under articles 51, 52, 53, paragraph (2), or 55 or under any of the articles from 57 to the preceding article is committed by a representative of a body corporate or by an authorized agent, employee or other subordinate of a body corporate or of an individual in connexion with the business of such body corporate or of such individual, then the person committing the offence shall be liable to the penalty and, in addition, the body corporate or individual aforesaid shall be liable to the fine prescribed in the article concerned.

Article 62

A person acting in contravention of article 23, paragraph (1) or (3) or of article 27 be liable to a fine not exceeding 10,000 yen.

Supplementary Provisions

(Date of entry into force)

1. This Act shall enter into force on 1 May 1954.

(Provisions governing entry into force)

2. The provisions of article 8, paragraphs (1) and (5) of this Act shall not be applied during the period of fifty days commencing on the date of entry into force of this Act to a narcotics dealer who, not being a narcotic drugs manufacturer or a narcotics research worker, has opium or poppy straw in his possession on the date of entry into force of this Act.

3. The provisions of article 8, paragraph (4) of this Act shall not apply to opium in the possession of a narcotic drugs manufacturer or of a narcotics research worker on the entry into force of this Act.

4. A person cultivating the poppy at the time of the entry into force of this Act pursuant to approval granted under article 12, paragraph (2) of the Narcotics Control Act before the revision of the present Act shall be deemed to be a person approved under article 12, paragraph (1) of the present Act.

5. The amount payable for delivered opium produced by a person referred to in the preceding

paragraph shall be determined by the Minister of Welfare in consultation with the Minister of Finance, article 32, paragraph (2) of this Act notwithstanding.

6. The provisions of article 35 of this Act shall not apply to opium in the possession of the State on the entry into force of this Act.

Revised by 1964/73
(Partial revision of the Narcotics Control Act) 1954/45
7. The provisions of the Narcotics Control Act are partially amended as follows:

(1) In article 2, paragraph (15) of the Narcotics Control Act the words "plants producing narcotics" shall be replaced by the words "plants producing narcotics (except the poppy; which exception shall hereinafter apply); and the words "manufacturing or using narcotics" shall be replaced by the words "manufacturing narcotics or using narcotics, opium or poppy straw". In the same article paragraph (2) shall become paragraph (5) and the numbering of all succeeding paragraphs up to and including paragraph (18) shall be increased by three, the following three paragraphs being inserted after paragraph (1):

(2) For the purposes of this Act, "poppy", has the meaning ascribed to it in the Opium Act (Act No. 14 of 1954).

(3) For the purposes of this Act, "opium", has the meaning ascribed to it in the Opium Act.

(4) For the purposes of this Act, "poppy straw", has the meaning ascribed to it in the Opium Act. In article 3, paragraph (2) sub-paragraph (viii) of the Narcotics Control Act the words "manufacturing or using narcotics" shall be replaced by the words "manufacturing narcotics or using narcotics, opium or poppy straw". In paragraph (3), sub-paragraph (ii) of the same article the words "or the Narcotics Control Act (Act No. 124 of 1948)" shall be replaced by the words "the Narcotics Control Act (Act No. 124 of 1948) or the Opium Act", and in sub-paragraph (iv) of the same paragraph the words "or taima" shall be replaced by the words "taima or opium".

In article 12 of the Narcotics Control Act, paragraph (2) shall become paragraph (3) and the following paragraph shall be inserted after paragraph (1):

(2) No person shall import or export opium powder.

In article 13 of the Narcotics Control Act the words "narcotics (except the narcotics referred to in paragraph (1) of the preceding article; which exception shall apply throughout the remainder of this Chapter)" shall be replaced by the words "narcotics (except the narcotics referred to in paragraph (1) and (2) of the preceding article; which exception shall apply to all the following articles up to and including article 19)".

In article 20, paragraph (1) of the Narcotics Control Act the word "narcotics" shall be replaced by the words "narcotics (except the narcotics referred to in article 20; paragraph (1) which exception shall apply throughout the remainder of this Chapter)".

In article 21, paragraph (1) of the same Act the words "the names of narcotics products" shall be

replaced by the words "the names of narcotic, opium and poppy straw products".

In article 27, paragraph (3) of the same Act the words "narcotic addicts" shall be replaced by the words "narcotic and opium addicts".

In article 37, paragraph (2) of the same Act the word "records" shall be replaced by the words: "records (including, in the case of a narcotic drugs manufacturer, the records referred to in article 39, paragraph (1) of the Opium Act)".

In article 40, paragraph (3) of the Narcotics Control Act the word "records" shall be replaced by the words "records (including the records referred to in article 39, paragraph (2) of the Opium Act)".

In article 50, paragraph (1) of the same Act the words "narcotic addict" shall be replaced by the words "narcotic or opium addict" and the words "narcotic intoxication" shall be replaced by the words "in the case of narcotic intoxication, the name of the narcotic concerned".

In article 54, paragraph (5) of the same Act the words "or the Taima Control Act" shall be replaced by the words "the Taima Control Act or the Opium Act", and the words "narcotic intoxication" shall be replaced by the words "narcotic or opium intoxication".

Article 62 of the same Act shall be amended as follows:

(Treatment of cases in which one person has more than one qualification)

Article 62

A person who holds more than one narcotic drugs manufacturer's permit or, a narcotic drugs manufacturer, is also a practitioner who employs narcotic drugs for therapeutic purposes or the owner of a narcotics research establishment shall, for the purposes of applying the provisions of this Act relating to the sale or purchase of narcotic drugs, be considered separately in each capacity. The same treatment shall be applied to a person owning more than one establishment in which narcotic drugs are administered for therapeutic purposes or more than one narcotic research establishment.

In article 65, paragraph (1) of the Narcotics Control Act the words "article 12 paragraph (2)" shall be replaced by the words "article 12, paragraph (2) or paragraph (3)", and paragraph (3) of the same article shall be deleted.

Article 69 shall be deleted.

In article 74 the words "article 65, paragraph (1) or paragraph (2)" shall be replaced by the words "article 65".

In paragraph (24) of the Annex the words "substances containing" shall be replaced by the words "substances containing ... except opium, poppy straw and poppy seeds"; and paragraph (1) shall be amended to read:

(1) Coca leaf

8. The penalty for an offence committed before the entry into force of this Act shall be in accordance with previous practice.

(Partial revision of the Taima Control Act)

9. The provisions of the Taima Control Act shall be partially amended as follows:

In article 5, paragraph (2), sub-paragraph (i) of the Taima Control Act the words "and taima" shall be replaced by the words "taima or opium".

(Partial revision of the Medical Practitioners Act)

10. The Medical Practitioners Act (Act No. 201 of 1948) shall be amended as follows:

In article 41, paragraph (1) of the Act the words "or taima" shall be replaced by the words "taima or opium".

(Partial revision of the Dental Surgeons Act)

11. The Dental Surgeons Act (Act No. 202 of 1948) shall be amended as follows:

In article 4, paragraph (1) of the Act the words "or taima" shall be replaced by the words "taima or opium".

(Partial revision of the Public Health Nurses, Midwives and Trained Nurses Act)

12. The Public Health Nurses, Midwives and Trained Nurses Act (Act No. 203 of 1948) shall be amended as follows:

In article 10, paragraph (4) of the Act the words "or taima" shall be replaced by the words "taima or opium".

(Partial revision of the Dental Sanitarians Act)

13. The Dental Practitioners Act (Act No. 204 of 1948) shall be amended as follows:

In article 5, paragraph (4) of this Act the words "or taima" shall be replaced by the words "taima or opium".

(Partial revision of the Veterinary Surgeons Act)

14. The Veterinary Surgeons Act (Act No. 186 of 1949) shall be amended as follows:

In article 5, paragraph (1) of the Act the words "or taima" shall be replaced by the words "taima or opium".

(Partial revision of the Toxins and Deadly Poisons (Control) Act)

15. The Toxins and Deadly Poisons (Control) Act (Act No. 303 of 1950) shall be amended as follows:

In article 8, paragraph (2), sub-paragraph (iii) of the Act the words "or taima" shall be replaced by the words: "taima or opium".

(Partial revision of the Imports and Exports (State Control) Ordinance)

16. The provisions of the Imports and Exports (State Control) Ordinance (Ordinance No. 319 of 1951) shall be amended as follows:

In article 5, paragraph (1), sub-paragraph (v) of the Ordinance the words "or taima" shall be replaced by the words "taima or opium"; in sub-paragraph (6) of the same paragraph the words "Taima Control Act (Act No. 123 of 1948)" shall be replaced by: "or the Taima Control Act (Act No. 14 of 1953)" and the words "or taima within the meaning of the Taima Control Act (Act No. 124 of 1948)" by the words "taima within the meaning of the Taima Control Act (Act No. 124 of 1948) or poppy, opium or poppy straw within the meaning of the Opium Act (Act No. 71 of 1954)".

In article 24, sub-paragraph (4) of the Act the words "the Opium Act" shall be added after the words "the Taima Control Act".

(Partial revision of the Ministry of Welfare (Establishment) Act)

17. The Ministry of Welfare (Establishment) Act (Act No. 151 of 1949) shall be amended as follows:

In article 5, the following sub-paragraph shall be added after paragraph (49).

49-2. To grant or revoke licences for the import, export, acquisition or sale of opium, the import and export of opium powder or the cultivation of the poppy.

In article 11 of this Act, paragraph (11) shall become paragraph (12), paragraph (10) shall become paragraph (11) and the following paragraph shall be added after paragraph (9):

(10) To acquire and sell opium and to effect the control of opium.

In article 37 of this Act the words "and taima" shall be replaced by the words "taima and opium".

(Partial revision of the Ministry of Finance (Establishment) Act)

18. The Ministry of Finance (Establishment) Act (Act No. 144 of 1949) shall be amended as follows:

In article 4, paragraph (27) and article 7, paragraph (17) of this Act the word "alcohol" shall be replaced by the words "alcohol and opium".

E/NL.1954/150

Regulations to give effect to the Opium Act

(Ministry of Welfare Ordinance No. 26, dated 23 June 1954)

The following regulations to give effect to the Opium Act are made pursuant to article 15, paragraph (2), sub-paragraph (v), article 19, paragraph (2), article 21, paragraph (1), article 32, paragraph (3) and article 50 of the said Act (Act No. 71 of 1954).

(Application for authorization to import or export)

Article 1

A person desiring to obtain an authorization under article 6, paragraph (2) of the Opium Act

(hereinafter called "the Act") to import or export poppy straw shall submit through the prefectural governor in whose jurisdiction his poppy plantation or business office is situated (which in the case of the owner of a narcotics research establishment means and shall hereinafter mean "in whose jurisdiction the research establishment is situated") an application (on form No. 1) in which he shall include the following particulars:

- (i) The number and date of the cultivator's licence if the applicant is a poppy cultivator and the number and date of the permit (which means and hereinafter shall mean the permit prescribed by article 4 of the Narcotic Control Act [Act No. 14 of 1953]) if the applicant is a narcotic drugs manufacturer;
- (ii) Whether the applicant is a poppy cultivator (and if so, his category), a narcotic drugs manufacturer or the owner of a narcotics research establishment;
- (iii) The quantity of poppy straw which the applicant intends to import or to export;
- (iv) The address and name or style of the other party to an import or export transaction;
- (v) The date of import or export;
- (vi) The mode of transport;
- (vii) The port of entry or of export.

(Application for authorization to destroy opium)

Article 2

A person desiring to obtain an authorization under article 10 of the Act to destroy opium shall submit through the prefectural governor in whose jurisdiction his poppy plantation or business office is situated an application (on form No 2) in which he shall include the following particulars:

- (i) The number and date of the cultivator's licence if the applicant is a poppy cultivator and the number and date of the permit if the applicant is a narcotic drugs manufacturer;
- (ii) Whether the applicant is a poppy cultivator (and if so, his category), a narcotic drugs manufacturer or the owner of a narcotics research establishment;
- (iii) The quantity of opium which the applicant intends to destroy and where it is stored;
- (iv) The method of destruction;
- (v) The reason for destruction.

(Application for approval of cultivation)

Article 3

(1) A person desiring to obtain approval as a poppy cultivator under article 12, paragraph (1) of the Act shall submit on form No. 3 the application referred to in paragraph (3) of the same article, in which he shall include the following particulars:

- (i) The category of poppy cultivator for which approval is sought;
- (ii) The site and area of the plantation;
- (iii) The site of the opium drying chamber and a brief specification of its construction and area;

- (iv) The site of the opium storage chamber and a brief specification of its construction and area;
- (v) His personal history and the nature of the research, if he intends to become a research cultivator of category A.

(2) A person desiring to obtain approval as a poppy cultivator under article 12, paragraph (2) of the Act shall submit on form No. 4 the application referred to in paragraph (3) of the same article, in which he shall include the following particulars:

- (i) The site and area of the plantation;
- (ii) His personal history and the nature of the research.

(3) An applicant under paragraph (1) or (2) above shall attach to his application documentary proof that he does not fall into a category defined in article 13 or in article 14, sub-paragraph (ii) or sub-paragraph (vi) of the Act; a sketch of the site referred to in paragraph (1), sub-paragraph (ii) or in paragraph (2), sub-paragraph (i) above; and a sketch of the site referred to in paragraph (1), sub-paragraph (iii) or (iv) of this article.

(Cultivator's license)

Article 4

(1) The particulars to be entered in a cultivator's license in accordance with article 15, paragraph (2), sub-paragraph (v) of the Act are as follows:

- (i) The number of the cultivator's license;
- (ii) The category of the poppy cultivator.

(2) The form of license prescribed is form No. 5.

(Application for modification of approval)

Article 5

(1) A person desiring modification in accordance with article 18, paragraph (1) of the Act, of the approval granted under article 12, paragraph (1) or paragraph (2) of the Act shall submit on form No. 6 the application referred to in article 18, paragraph (2) of the Act to which the provisions of paragraph (3) article 12 of the Act apply mutatis mutandis, and shall include therein the following particulars:

- (i) The cultivator's license number and date of approval;
- (ii) The category of the poppy cultivator;
- (iii) The particulars to be changed;
- (iv) The reason for change.

(2) The application aforesaid shall be accompanied by a sketch of the changes referred to in sub-paragraph (iii) of the preceding paragraph.

(Security measures)

Article 6

The security measures to be taken by a poppy cultivator in accordance with article 19, paragraph (2) of the Act are as follows:

- (i) After ripening, the poppy plants shall be

guarded against damage, theft or loss until the harvest;

- (ii) Harvested poppy straw shall be sorted; its fruit parts shall be stored in a locked chamber and all other parts shall be stored together in an orderly manner.

(Reporting of accidents)

Article 7

(1) The report of accident referred to in article 20 of the Act (including the cases under article 37 of the Act to which it applies mutatis mutandis) shall be submitted on form No. 7 and shall include the following particulars:

- (i) The cultivator's licence number and date of approval;
- (ii) The category of the poppy cultivator;
- (iii) The place where the accident occurred;
- (iv) The nature and circumstances of the accident;
- (v) The date of the accident;
- (vi) The amount of opium or poppy straw involved in the accident.

(2) The report aforesaid shall be accompanied by a sketch of the place referred to in sub-paragraph (iii) of the preceding paragraph.

(Notice of alienation or destruction of poppy straw)

Article 8

(1) The report (on form No. 8) to be furnished under article 21, paragraph (1) of the Act when poppy straw is alienated or acquired shall specify the following particulars:

- (i) The cultivator's licence number and date of approval;
- (ii) The category of the poppy cultivator;
- (iii) The date of the transaction and the amount of poppy straw alienated or acquired;
- (iv) The address and name or style of the other party to the transaction;
- (v) The number and date of the other party's cultivator's licence or permit and whether he is a poppy cultivator (if so, his category), a narcotic drugs manufacturer or the owner of a narcotics research establishment.

(2) The notice (on form No. 9) to be given under article 21, paragraph (2) of the Act when poppy straw is destroyed shall specify the following particulars:

- (i) The cultivator's licence number and date of approval;
- (ii) The category of the poppy cultivator;
- (iii) The quantity of poppy straw which the applicant intends to destroy;
- (iv) The place and date of destruction;
- (v) The method of destruction.

(3) The provisions of the two preceding paragraphs shall apply mutatis mutandis to a report submitted under article 28, paragraph (4) or (5), article 38, or article 41, paragraph (4) or (5) of the Act, to which the provisions of article 21, paragraph (1) or (2) apply mutatis mutandis.

(Reporting of changes)

Article 9

The statement (on form No. 10) to be submitted under article 22, paragraph (1) of the Act when it is necessary to amend the particulars referred to in article 15, paragraph (2), sub-paragraphs (i), (ii) and (v) of the Act shall specify the following particulars:

- (i) The cultivator's license number and date of approval;
- (ii) The category of the poppy cultivator;
- (iii) The particulars to be amended;
- (iv) The reason for and date of the change.

(Application for replacement of license)

Article 10

An application for the replacement of a cultivator's license under article 23, paragraph (1) of the Act shall be submitted on form No. 11 and shall specify the following particulars:

- (i) The cultivator's license number and date of approval;
- (ii) The category of the poppy cultivator;
- (iii) Reason for and date of the application.

(Notice of lapse of approval)

Article 11

The notice of lapse of approval referred to in article 24, paragraph (1) of the Act shall be given on form No. 12 and shall specify the following particulars:

- (i) The relationship of the applicant to the deceased poppy cultivator or to the poppy cultivator whose business is liquidated;
- (ii) The address and name or style of the deceased poppy cultivator or of the poppy cultivator whose business is liquidated;
- (iii) The cultivator's license number and date of approval;
- (iv) The category of the poppy cultivator;
- (v) The reason for and date of the lapse of the approval.

(Notice of cessation of activities)

Article 12

The notice of discontinuance of poppy cultivation or research referred to in article 25 of the Act shall be given on form No. 13 and shall specify the following particulars:

- (i) The cultivator's license number and date of approval;
- (ii) The category of the poppy cultivator;
- (iii) The reason for and date of discontinuance.

(Return of cultivator's license)

Article 13

A person desiring to return his cultivator's license in accordance with article 23, paragraph (3) and article 27 of the Act shall enclose with the

license a document (form No. 14) specifying the following particulars:

- (i) The cultivator's license number and date of approval;
- (ii) The category of the poppy cultivator;
- (iii) The reason for and date of the return of the cultivation license.

(Report on termination of approval)

Article 14

(1) The report (on form No. 15) referred to in article 28, paragraph (1) of the Act shall specify the following particulars:

- (i) The cultivator's license number and date of approval;
- (ii) The category of the poppy cultivator;
- (iii) The amount of opium and poppy straw.

(2) The provisions of the preceding paragraph shall apply *mutatis mutandis* to the report referred to in article 41, paragraph (1) of the Act.

(Mode of delivery)

Article 15

A poppy grower or research cultivator of category A delivering opium to the State shall dry and pulverize it and place it in a hermetically sealable container on which he shall indicate the name and address of the poppy grower or research cultivator of category A, the cultivator's licence number and the amount of opium.

(Delivery voucher)

Article 16

When a poppy grower or research cultivator of category A delivers opium he shall submit a delivery voucher (form No. 16) specifying the following particulars:

- (i) The cultivator's licence number and date of approval;
- (ii) The category of the poppy cultivator;
- (iii) The amount of opium.

(Method of opium evaluation)

Article 17

The method of evaluating the morphine content of opium referred to in article 32, paragraph (3) of the Act shall be based on the method of quantitative analysis of opium powder prescribed in the Sixth Revised Ordinance on the Japanese Pharmacopoeia (Ministry of Welfare Ordinance No. 31 of March 1951) made under article 30 of the Pharmaceutical Act (Act No. 197 of 1948).

(Application for purchase)

Article 18

A narcotic drugs manufacturer or owner of a narcotics research establishment desiring to purchase opium in accordance with article 34 of the Act shall submit through the prefectural governor

in whose jurisdiction his business office is situated an application (on form No. 17) specifying the following particulars:

- (i) In the case of a narcotic drugs manufacturer - permit number and date of approval;
- (ii) Whether the applicant is a narcotic drugs manufacturer or the owner of a narcotics research establishment;
- (iii) The amount of opium;
- (iv) The purposes for which the opium is to be used.

(Report of narcotic drugs manufacturer)

Article 19

The report referred to in article 40, paragraph (1) of the Act shall be submitted on form No. 18.

(Certificate of removal)

Article 20

An opium control officer removing, pursuant to article 44, paragraph (1) or (2) of the Act a quantity

of opium or poppy straw or of any other material suspected of being such shall deliver a certificate of removal (form No. 19).

(Identity card)

Article 21

The identity card to be carried by an opium control officer pursuant to article 44 of the Act shall be in conformity with form No. 20.

(Payment of fees)

Article 22

The fees prescribed by article 46 of the Act shall be paid by attaching the equivalent amount in revenue stamps to the application.

Supplement

This Ordinance shall enter into force on the date of its promulgation.

Form No. 1

Application for authorization to import (export) poppy straw

Cultivator's licence number or permit number	No.	Date of approval
State whether applicant is a poppy cultivator (indicate category), a narcotic drugs manufacturer or the owner of a narcotics research establishment		
Quantity of poppy straw to be imported (exported)		
Address and name or style of other party to transaction		
Date of import (export)		
Mode of transport		
Remarks		

I hereby declare my intention to import (export) the poppy straw specified above.

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B4.

Form No. 2

Application for authorization to destroy opium

Cultivator's licence number or permit number	No.	Date of approval
State whether applicant is a poppy cultivator (indicate category), a narcotic drugs manufacturer or the owner of a narcotics research establishment		
Quantity of opium to be destroyed		Where stored
Method of destruction		
Reason for destruction		

I hereby give notice of my intention to destroy the opium specified above.

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B5.

Form No. 3

Revenue stamps

Application for approval as poppy cultivator

Category of poppy cultivator for which approval sought									
Site of plantation			Area for cultivation				Remarks		
Plantation No.	Prefecture	County, (City) Village	Block	Street	No.	<u>Tan</u>	<u>Se</u>	<u>Bu</u>	
Total number of plantations		... Lots		Total area for cultivation					
Drying chamber									
Storage chamber									
Personal history and nature of research									

I hereby apply for approval as specified above.

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B4.

Form No. 4

Revenue stamps

Application for approval as poppy cultivator

Site of plantation									
Area for cultivation			Remarks						
Plantation No.	Prefecture	County, (City) Village	Block	Street	No.	<u>Tan</u>	<u>Se</u>	<u>Bu</u>	
Total number of plantations		... Lots		Total area for cultivation					
Personal history and nature of research									

I hereby apply for approval as specified above.

(Date)

Name and address

(Seal)

Note: The format of this form is Japanese standard format B4.

(Front)

Form No. 5

Poppy cultivator's licence

No. _____

Name and address

Date of birth

This is to certify that permission to cultivate the poppy is granted to

Poppy Cultivator

Research Cultivator of Category A

Research Cultivator of Category B

(Date)

Minister of Welfare

(Back)

Subject of licence

Site of plantation				Area for cultivation				
Plantation No.	Prefecture	County, (City) Village	Block	Street	No.	Tan	Se	Bu
Total number of plantations		... Lots	Total area for cultivation					
Drying Chamber								
Storage Chamber								

Note: The format of this form is Japanese standard format B4.

Revenue stamps

Application for modification of approval

Cultivator's licence No.	No.	Date of approval				
Category of poppy cultivator						
Particulars to be changed						
Particulars of plantation before the change						
Plantation No.	Prefecture	County, (City) Village	Block	Street	No.	Area for cultivation
Total number of plantations			... Lots		Total area for cultivation	
Drying chamber						
Storage chamber						
Particulars of plantation after the change						
Plantation No.	Prefecture	County, (City) Village	Block	Street	No.	Area for cultivation
Total number of plantations			... Lots		Total area for cultivation	
Drying chamber						
Storage chamber						

(Form No. 6)
continued

Reason for change	
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I enclose my cultivator's licence and request that the changes indicated above be entered therein.

(Date)

Name and address

(Seal)

To the Minister of Welfare

- Note:
1. The format of this form is Japanese standard format B4.
 2. In panel "Particulars to be changed" indicate: "site of plantation", "area for cultivation", "drying chamber" or "storage chamber".
 3. Under both "before the change" and "after the change" enter only particulars affected by the change.

Form No. 7

Report of accident

Cultivator's licence number	No.	Date of approval		Category of poppy cultivator	
Place where the accident occurred					
Nature of accident	Damage, theft, loss or other				
Date of accident					
Amount of opium or poppy straw involved	Item		Amount		
Circumstances of accident					

I hereby report the occurrence of the above accident.

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B4.

Form No. 8

Report of sale (purchase) of poppy straw

Cultivator's licence number		Date of approval		
Category of poppy cultivator				
Amount of poppy straw sold (purchased)				
Other party to transaction				
Cultivator's licence No.	Date of approval	Whether poppy cultivator (indicate category), narcotic drugs manufacturer or owner of narcotics research establishment	Name or style	Address
Reason for sale (purchase)				

I hereby report the above sale (purchase).

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B4.

Form No. 9

Notice of destruction of poppy straw

Cultivator's licence number	No.	Date of approval		Category of poppy cultivator or class of narcotics dealer
Quantity of poppy chaff to be destroyed				
Date of destruction				
Place of destruction				
Method of destruction				

I hereby give notice of my intention to destroy the poppy straw specified above.

(Date)

Name and address

(Seal)

To the Governor of

Note: The format of this form is Japanese standard format A5.

Form No. 10

Report of changes in particulars entered in cultivator's licence

Cultivator's licence number	No.	Date of approval	
Category of poppy cultivator			
Before change			
Address			
Name			
After change			
Address			
Name			
Reason for and date of change			

I enclose my cultivator's licence and request that the changes indicated above be entered therein.

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B5.

Form No. 11

Revenue stamps

Application for replacement of a poppy cultivator's licence

Cultivator's licence number	No.	Date of approval	
Category of poppy cultivator			
Reason for replacement, and date			

I hereby apply for the replacement of the above licence.

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B5.

Form No. 12

Notice of lapse of a poppy cultivator's approval

Cultivator's licence number	No.	Date of approval		Category of poppy cultivator
Address and name of person whose approval has lapsed				
Reason for lapse, and date				

I hereby report that the above approval has lapsed.

(Date)

Name of informant and relationship to the party concerned

Address

To the Minister of Welfare

Note: The format of this form is Japanese standard format B5.

Form No. 13

Notice of discontinuance of poppy cultivation

Cultivator's licence number		Date of approval	
Category of poppy cultivator			
Reason for and date of discontinuance			

I hereby give notice that cultivation of the poppy as above has been discontinued.

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B5.

Form No. 14

Notice of return of poppy cultivator's licence

Cultivator's licence number		Date of approval	
Category of poppy cultivator			
Reason for and date of return of cultivator's licence			

I hereby give notice that I am returning the above licence.

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B5.

Form No. 15

Report of amount of opium and poppy straw held

Date of termination of approval		Date of approval		Category of poppy cultivator or class of narcotics dealer	
Cultivator's licence number or permit number	No.				
Amount of opium and poppy straw held					

I hereby report the amount of opium and poppy straw held by me.

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B5.

Form No. 16

Opium delivery voucher

Cultivator's licence number		Date of approval	
Category of poppy cultivator			
Amount of opium			

I hereby deliver the above amount of opium

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B5.

Form No. 17

Application for purchase of opium

Permit number		Date of approval
Narcotic drugs manufacturer or owner of narcotics research establishment		
Amount of opium		
Grounds of application		

I hereby make application to purchase the above amount of opium.

(Date)

Name or style

Business address

To the Minister of Welfare

Note: The format of this form is Japanese standard format B5.

Form No. 18

**Report by narcotic drugs manufacturer of amount of opium and
poppy straw held**

From _____ To _____

Permit number		Date of approval	
Amount of opium held at the beginning of the period			
Amount of opium used	Amount and name of drugs manufactured		
Amount of opium held at the end of the period			
Amount of poppy straw held at the beginning of the period			
Amount of poppy straw alienated acquired, destroyed and used	Alienated acquired destroyed used	Note: If alienated or acquired, state name and address of the other party; if destroyed, state reason; if used, state amount and name of drugs manu- factured	
Amount of poppy straw held at the end of the period			

I hereby report the above holding.

(From _____ to _____)

(Date)

Name and address

(Seal)

To the Minister of Welfare

Note: The format of this form is Japanese standard format B4.

Form No. 19

No. DUPLICATE RECEIPT	No. RECEIPT
<ol style="list-style-type: none"> 1. Site of plantation and owner's business address 2. Category of permit or approval 3. Name or style of owner and number of his cultivator's licence or permit 4. Material removed 5. Amount removed 6. Purpose of removal 7. Date of removal 8. Place from which removal effected (Date) Name and title of officer 	<ol style="list-style-type: none"> 1. Site of plantation and owner's business address 2. Category of permit or approval 3. Name or style of owner and number of his cultivator's licence or permit 4. Material removed 5. Amount removed 6. Purpose of removal 7. Date of removal 8. Place from which removal effected <p style="text-align: center;">The above material has been removed for testing purposes pursuant to Article 44 of the Opium Act.</p> <p style="text-align: center;">(Date) (Department) Name and title of officer</p>

Note: The format of this form is Japanese standard format B5.

Form No. 20

(Front)

← 12 cm. →

<p>No.</p> <p>Department</p> <p>Name</p> <p>Date of birth</p> <p>Inspector's certificate issued pursuant to article 44 of the Opium Act.</p> <p>(Date of issue)</p> <p>(Valid for one year)</p> <p>Ministry of Welfare</p> <p>(<u>To</u>, <u>do</u>, <u>fu</u>, prefecture)</p> <p>(Seal)</p>	<p>(photograph)</p>
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(Back)

The bearer of this certificate is authorized under article 44 of the Opium Act to enter and inspect the premises and to remove a small quantity of opium, poppy straw, etc.

Excerpt from the Opium Act

Article 44

(1) The Minister of Welfare may, whenever he deems it necessary for the purposes of opium and poppy straw control, apply to a poppy cultivator, narcotic drugs manufacturer or narcotics research worker for the requisite information, and may direct a person appointed in advance from among narcotics control officers or pharmaceutical inspectors to enter the plantation of a poppy cultivator, an opium drying or storage chamber, a poppy straw storage chamber, a narcotic drugs factory or a narcotics research establishment, to inspect account books and other objects, to question any person concerned and to remove a small quantity of opium or poppy straw, or materials suspected of being such, for testing purposes.

(2) The prefectural governor may, whenever he deems it necessary for the purposes of opium and poppy straw control, apply to a poppy cultivator or narcotics research worker for the requisite information and may direct a person appointed in advance from among narcotics control officers or pharmaceutical inspectors to enter the plantation of a poppy cultivator, an opium drying or storage chamber, a poppy straw storage chamber or a narcotics research establishment to inspect account books and other objects, to question any person concerned and to remove a small amount of opium or poppy straw or materials suspected of being such for testing purposes.

(3) A person appointed pursuant to the two preceding paragraphs shall be called an opium control officer.

(4) An opium control officer shall carry an identity card, which shall be produced at the request of the party concerned.

(5) The powers conferred by paragraphs (1) and (2) above shall be deemed to provide for criminal investigation.

E/NL.1954/151

The Taima Control Act, 1954

Act No. 124 of 10 July 1948
Act No. 18 of 27 March 1950
Act No. 152 of 28 May 1952
Act No. 15 of 17 March 1953
Act No. 71 of 22 April 1954

**CHAPTER I
GENERAL PROVISIONS**

Article 1

For the purposes of this Act, "taima" means the taima plant (Cannabis sativa, L.) and the products

thereof, excluding however, the mature stalk and the products thereof other than the resin.

Article 2

(1) For the purposes of this Act, "taima dealer" means a taima producer or a taima research worker.

(2) For the purposes of this Act, "taima producer" means a person licensed by a prefectural governor^{1/} to cultivate the taima plant for the purpose of producing hemp fibre or seeds.

(3) For the purposes of this Act, "taima research worker" means a person licensed by the prefectural governor to cultivate the taima plant or to use taima for the purpose of conducting research on taima.

Article 3

(1) No person other than a taima dealer shall possess, cultivate, acquire or alienate taima or use it for the purposes of research.

(2) A person possessing taima under the authority of this Act shall not use it otherwise than for the purpose for which he is authorized to possess it.

Article 4

No person other than a taima research worker licensed by the Minister of Welfare to export or import taima shall:

- (i) export or import taima;
- (ii) administer, or alienate for the purpose of administration, drugs manufactured from taima.

CHAPTER II

LICENSES

Article 5

(1) A person desiring to be a taima dealer shall first secure a license issued by the prefectural governor pursuant to Ministerial Ordinance.

(2) No taima dealer's license shall be granted to a person who falls into any of the categories designated in the following sub-paragraphs; that is to say, who:

- (i) is addicted to narcotic drugs, taima or opium;
- (ii) has been sentenced to a penalty more severe than imprisonment;
- (iii) is under a disability or a partial disability or is a minor.

Article 6

(1) The local prefectural authorities shall keep a register of taima dealers in which particulars concerning the licensing of taima dealers shall be registered.

(2) The particulars to be registered as aforesaid shall be specified by Ministerial Ordinance.

^{1/}Translator's note: The term "prefectural governor", as used in this translation, means the governor of a To, do, fu or ken.

Article 7

(1) When a prefectural governor approves the licensing of a person as a taima dealer, he shall enter the said person in the register of taima dealers and issue a taima dealer's licence to him.

(2) A licence issued as aforesaid shall not be transferred or lent to another person.

Article 8

A taima dealer's licence shall be valid from the date of its issue to 31 December of the same year.

Article 9

A person required to be registered in the register of taima dealers under article 7 shall pay to the local prefectural authorities the following registration fees, according to his category:

taima producer 60 yen
taima research worker 50 yen

Article 10

(1) A taima dealer wishing to surrender his licence shall submit to the prefectural governor an application as provided by Ministerial Ordinance.

(2) On the death of a taima dealer or the liquidation of his business, the heir (which term shall be understood in the following to mean the custodian of the property when the heir is unknown) or liquidator shall notify the prefectural governor thereof as provided by Ministerial Ordinance.

(3) On receiving an application as aforesaid (paragraph (1)) or a notification as aforesaid (paragraph (2)), the prefectural governor shall delete the entry relating to the person concerned from the register of taima dealers.

(4) If a taima dealer's licence is revoked pursuant to article 18 or otherwise loses its validity, the taima dealer shall return it to the prefectural governor.

(5) If particulars entered in the register of taima dealers require to be altered, the taima dealer shall submit an application to that effect to the prefectural governor within fifteen days.

(6) If a taima dealer's licence is lost or damaged, the taima dealer shall within fifteen days submit to the prefectural governor an application, accompanied by a statement of the facts, for its replacement; in the case of a damaged licence he shall also enclose the damaged licence with his application.

(7) If a lost licence is found after a new licence in replacement thereof has been issued as aforesaid to the taima dealer, he shall return the original licence to the prefectural governor within fifteen days.

Article 11

A fee of 10 yen shall be payable to the local prefectural authorities by every person applying for the alteration of an entry in the register of taima dealers or for the replacement of a taima dealer's licence.

**CHAPTER III
TAIMA DEALERS**

Article 12

(Repealed)

Article 13

A taima producer shall not sell or give taima to any person other than a taima dealer.

Article 14

A taima producer shall not remove taima from the place of its cultivation unless the removal is authorized by the prefectural governor.

Article 15

Every taima producer shall submit to the prefectural governor each year, not later than 30 January, a report specifying:

- (i) The total area of land used for the cultivation of the taima plant during the preceding year;
- (ii) The quantity of hemp fibre produced during the preceding year.

Article 16

A taima research worker shall not alienate taima by sale or by gift.

Article 17

Every taima research worker shall submit to the prefectural governor each year, not later than 30 January, a report specifying:

- (i) the quantity and kind of taima held at the beginning of the preceding year;
- (ii) the total area of land used for the cultivation of the taima plant during the preceding year;
- (iii) the quantity and kind of taima produced or received during the preceding year;
- (iv) the quantity and kind of taima used for purposes of research, and the quantity and kind of taima obtained as a result of research work;
- (v) the quantity and kind of taima held at the close of the preceding year.

**CHAPTER IV
CONTROL**

Article 18

The prefectural governor may revoke the licence of a taima dealer guilty of a crime or improper business practice.

Article 19

(Repealed)

Article 20

The Minister of Welfare may, after consultation with the Minister of Finance and the Minister of Agriculture and Forestry, take such steps as may be necessary to dispose of taima falling to the State Treasury by operation of law.

Article 21

(1) The Minister of Welfare or the prefectural governor may, whenever it is deemed necessary

for the purposes of taima control, direct a narcotics control officer or other officer to enter any plantation, warehouse, laboratory or other premises connected with the production of taima in order to investigate or inspect working conditions, records and other matters or to remove without compensation, a small quantity of taima for testing purposes.

(2) A narcotics control officer or other officer making an investigation or inspection, entering premises or removing taima as aforesaid shall carry an identity card, which shall be produced at the request of the party concerned.

CHAPTER V MISCELLANEOUS PROVISIONS

Article 22

The local prefectural authorities shall defray the entire cost of licensing and other taima control measures which under this Act are required to be carried out by the prefectural governor.

Article 23

Any measures necessary to give effect to this Act for which no provision is made herein shall be provided for by Ministerial Ordinance.

CHAPTER VI PENAL PROVISIONS

Article 24

(1) Any person acting in contravention of article 3, paragraph (1) or (2), or of article 4, 13, 14 or 16 shall be liable to a term of penal servitude not exceeding three years or to a fine not exceeding 30,000 yen.

(2) The penalties aforesaid may be combined, according to the circumstances of the case.

Article 25

(1) A person shall be liable to a term of penal servitude not exceeding one year or to a fine not exceeding 10,000 yen if he commits either of the following offences; that is to say, if he:

- (i) acts in contravention of article 7, paragraph (2);
- (ii) fails to submit a report, or submits a false report, under article 15 or 17.

(2) The penalties aforesaid may be combined, according to the circumstances of the case.

Article 26

A person shall be liable to a fine not exceeding 5,000 yen if he commits any of the following offences; that is to say, if he:

- (i) fails to submit a notification as required by article 10, paragraph (2);
- (ii) acts in contravention of article 10, paragraph (4) or (7);
- (iii) evades, hinders or refuses to permit entry, investigation, inspection or sampling under article 21, paragraph (1).

Article 27

If an offence under any article of this Act from article 24 to article 26 inclusive is committed by a representative of a body corporate, or by an authorized agent, employee or other subordinate of a body corporate or of an individual in connexion with the business of such body corporate or of such individual, then the person committing the offence shall be liable to the penalty and, in addition, the body corporate or individual aforesaid shall be liable to the fine prescribed in the article which is applicable.

SUPPLEMENTARY PROVISIONS

Article 28

This Act shall enter into force on the date of its promulgation.

Article 29

The taima control regulations (Ordinance No. 1 of the Ministries of Welfare and Agriculture and Forestry, issued in 1947) based on Imperial Ordinance No. 542 of 1945, issued pursuant to the acceptance of the Potsdam Declaration, are repealed.

Article 30

A person who on the date of entry into force of this Act is licensed under the provisions of the Taima Control Regulations as a taima dealer shall be deemed to be a taima dealer licensed under this Act.

Article 31

A taima dealer's licence issued under the Taima Control Regulations shall be deemed to be a taima dealer's licence as prescribed by this Act.

Article 32

The forms prescribed by article 21, paragraph (2) of the Taima Control Regulations shall be deemed to be receipt forms or removal forms as prescribed by this Act.

Article 33

The penalty for an offence committed before the promulgation of this Act shall be the same as hitherto.

Supplement (Act No. 18 of March 1950) (Excerpt)

1. This Act shall enter into force on 1 April 1950.

Supplement (Act No. 152 of May 1952)

1. This Act shall enter into force on the date of its promulgation.
2. The penalty for an offence committed before the promulgation of this Act shall be the same as hitherto.

Supplement (Act No. 15 of March 1953)

1. This Act shall enter into force on 1 April 1953.
2. The granting of licences and permits by the Minister of Welfare and any other act performed by him pursuant to this Act before its amendment shall be deemed to be an act performed by a prefectural governor pursuant to this Act as amended.

3. A taima dealer's licence issued pursuant to this Act before its amendment shall be deemed to be a licence issued pursuant to this Act as amended.

4. The penalty for an offence (other than an offence relating to taima plant seeds or to substances manufactured from such seeds) committed before the entry into force of this Act shall be the same as hitherto.

5. Notwithstanding the provisions of articles 9 and 11, as amended, of this Act, the registration fees for the year 1953 shall be payable to the National Treasury, and the National Treasury shall, notwithstanding the provisions of article 10, paragraph 6, sub-paragraph (2) of the Local Finance Act, as amended in pursuance of supplementary article 22 of the Narcotics Control Act (Act No. 14 of 1953), make grants to local authorities during the year 1953, in accordance with the budgetary provision made, to meet the costs incurred through the licensing and other acts performed by prefectural governors in pursuance of this Act as amended.

Supplement (Act No. 71 of April 1954) (Excerpt)

1. This Act shall enter into force on 1 May 1954.

E/NL.1954/152

Regulations to give effect to the Taima Control Act

Ministries of Welfare and of
Agriculture and Forestry,

Ordinance No. 1, dated 22 July 1948

Amendment: Ministries of Welfare and of Agriculture and Forestry,
Ordinance No. 1, dated 20 May 1950

Amendment: Ministries of Welfare and of Agriculture and Forestry,
Ordinance No. 1, dated 9 April 1952

Amendment: Ministries of Welfare and of Agriculture and Forestry,
Ordinance No. 1, dated 3 June 1954.

Article 1

A person desiring to obtain a taima dealer's licence under article 5 of the Taima Control Act (hereinafter called the Act) shall submit an application to the prefectural governor specifying:

- (i) the address, name or style, and date of birth of the applicant (the date of birth is not required in the case of a body corporate);
- (ii) the number, site and area of the plots under cultivation; and
- (iii) the purpose of the research and the personal history of the applicant, if he is a taima research worker.

Article 2

The particulars to be entered in the register

of taima dealers pursuant to article 6 of the Act are as follows:

- (i) The registration number and the date of registration;
- (ii) The address, name or style, and date of birth (the date of birth is not required in the case of a body corporate);
- (iii) The category (taima producer or taima research worker);
- (iv) The number, site and area of the plots under cultivation or the purpose of the research;
- (v) The reason for and date of the replacement of a licence;
- (vi) The reason for and date of the deletion of an entry in the register.

Article 3

(1) An application submitted by a taima dealer under article 10, paragraph (1) of the Act shall include a statement of the reasons for the application and shall be accompanied by the license.

(2) A notification under article 10, paragraph (2) of the Act shall be submitted within one month by the person designated in that paragraph and shall be accompanied by the license.

(3) If a person designated in article 10, paragraph (2) of the Act desires to cultivate or possess taima he shall make application for a taima dealer's license.

Article 4

A narcotics control officer or other officer removing a quantity of taima in pursuance of article 21, paragraph (1) of the Act shall give a receipt therefor (separate paragraph, form No. 1).

Article 5

The identity card required to be carried in pursuance of article 21, paragraph (2) of the Act shall be in the form prescribed in the separate paragraph form No. 2.

Supplement (Ministries of Welfare and of Agriculture and Forestry,
Ordinance No. 1 of May 1950)

This Ordinance shall enter into force on the date of its promulgation and shall be applied with effect from 1 April 1950.

Supplement (Ministries of Welfare and of Agriculture and Forestry,
Ordinance No. 1 of April 1952)

This Ordinance shall enter into force on the date of its promulgation and shall be applied with effect from 1 April 1952.

Supplement (Ministries of Welfare and of Agriculture and Forestry,
Ordinance No. 1 of June 1954)

This Ordinance shall enter into force on the date of its promulgation.

Separate paragraph, Form No. 1

<p>No.</p> <p>DUPLICATE RECEIPT</p> <p>CATEGORY AND NUMBER OF LICENCE</p> <p>Name or style:</p> <p>Address:</p> <p>Place from which removal effected:</p> <p>Material and quantity:</p> <p>(Date)</p> <p>OFFICIAL TITLE AND NAME</p> <p>Note:</p>	<p>No.</p> <p>RECEIPT</p> <p>CATEGORY AND NUMBER OF LICENCE</p> <p>Name or style:</p> <p>Address:</p> <p>Place from which removal effected:</p> <p>Material and quantity:</p> <p>The above material has been removed for testing purposes pursuant to the Taima Control Act, article 21, paragraph (1).</p> <p>(Date)</p> <p>OFFICIAL TITLE AND NAME</p> <p style="text-align: center;">Seal</p>
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Note: The format of this form is Japanese standard format A5.

Separate paragraph, Form No. 2

FRONT
12 cm

←—————→

<p><u>No.</u></p> <p>DEPARTMENT:</p> <p>NAME:</p> <p>DATE OF BIRTH:</p> <p>INSPECTOR'S CERTIFICATE</p> <p>ISSUED PURSUANT TO THE</p> <p>TAIMA CONTROL ACT,</p> <p>ARTICLE 21</p> <p>(Date of issue)</p> <p>(Valid for one year)</p> <p>MINISTRY OF WELFARE</p> <p>TO, DO, FU, KEN</p> <p style="text-align: center;">SEAL</p>	<p style="text-align: center;">↑</p> <p style="text-align: center;">8 cm</p> <p style="text-align: center;">(Photograph)</p> <p style="text-align: center;">↓</p>
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BACK

THE BEARER OF THIS CERTIFICATE IS AUTHORIZED UNDER ARTICLE 21 OF THE TAIMA CONTROL ACT TO ENTER AND INSPECT THE PREMISES AND TO REMOVE A SMALL QUANTITY OF TAIMA

EXCERPT FROM THE TAIMA CONTROL ACT

ARTICLE 21

(1) THE MINISTER OF WELFARE OR THE PREFECTURAL GOVERNOR MAY, WHENEVER IT IS DEEMED NECESSARY FOR THE PURPOSES OF TAIMA CONTROL, DIRECT A NARCOTICS CONTROL OFFICER OR OTHER OFFICER TO ENTER ANY PLANTATION, WAREHOUSE, LABORATORY OR OTHER PREMISES CONNECTED WITH THE PRODUCTION OF TAIMA, IN ORDER TO INVESTIGATE OR INSPECT WORKING CONDITIONS, ACCOUNTS AND OTHER MATTERS OR TO REMOVE WITHOUT COMPENSATION, A SMALL QUANTITY OF TAIMA FOR TESTING PURPOSES.

(2) A NARCOTICS CONTROL OFFICER OR OTHER OFFICER MAKING AN INVESTIGATION OR INSPECTION, ENTERING PREMISES OR REMOVING TAIMA AS AFORESAID SHALL CARRY AN IDENTITY CARD, WHICH SHALL BE PRODUCED AT THE REQUEST OF THE PARTY CONCERNED.
