



UNITED NATIONS

E/NL 1952/93-95
6 October 1952

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 text.

New York, 1952

The Law for Partial Amendment to the
Narcotic Control Law and the Taima Control Law

Law No. 152 of May 28, 1952

Article 1. The Narcotic Control Law (Law No. 123 of 1948) shall be partially amended as follows:

In Article 2 paragraph 1, next to "narcotic research worker", "compounder of exempt narcotic preparations, wholesale dealer in exempt narcotic preparations" shall be added, and paragraph 12 of the same Article shall be deleted and next to the same Article, the following three paragraphs shall be added:

12. The term "compounder of exempt narcotic preparations" as used in this Law shall mean a person licensed by the Minister of Welfare for profession of compounding narcotics which contain not more than 0.2 per cent of codeine, hydrocodeine or their salts, but containing no other narcotics (hereinafter referred to as the exempt narcotic preparations).

13. The term "wholesale dealer in exempt narcotic preparations" as used in this Law shall mean a person licensed by the Minister of Welfare for profession of selling exempt narcotic preparations, to narcotic retail dealers, narcotic practitioners, narcotic administrators, narcotic research workers or retail dealers in exempt narcotic preparations.

14. The term "retail dealer in exempt narcotic preparations" as used in this Law shall mean a person licensed by the Minister of Welfare for profession of selling exempt narcotic preparations to a person other than narcotic dealer.

In Article 5 item (2), next to "narcotic compounder", "compounder of exempt narcotic preparations" shall be added, and in item (3) of the same Article, "narcotic central wholesale dealer or narcotic local wholesale dealer" shall be amended as "narcotic central wholesale dealer, local wholesale dealer or wholesale dealer in exempt narcotic preparations" and in item (8) of the same Article, "seller of medicines" shall be amended as "proprietor of pharmacy or seller of medicines".

In Article 9, next to "narcotic compounder", "compounder of exempt narcotic preparations" shall be added and next to "narcotic local wholesale dealer", "or wholesale dealer in exempt narcotic preparations" shall be added.

Article 19. shall be amended as follows:

When a narcotic importer wishes to import narcotics, he shall first receive authorization of the Minister of Welfare in regard to the following matters:

1. The name and quantity of narcotics to be imported.
 2. The name and address of exporter.
 3. The period within which the importation must be effected.
 4. The port of entry.
 5. The port of shipment.
2. When a person, who has obtained the authorization prescribed in the preceding paragraph, wishes to change the matters mentioned in the preceding items, he shall receive the authorization of the Minister of Welfare.
3. When the Minister of Welfare gives the authorization prescribed in paragraph 1, he shall issue an import permit.

Next to Article 19, the following two Articles shall be added:

Article 19-2. A narcotic importer shall submit to the Minister of Welfare the export permit or its copy issued by the governmental authorities of the exporting country within 10 days after he has received it or he has imported narcotics.

Article 19-3. A person who has received the authorization mentioned in Article 19, when he does not import narcotics by the date authorized for the import, shall

return the import permit to the Minister of Welfare within 10 days after the expiration of the period fixed for importation.

Next to Article 24, the following proviso shall be added:

"however, this provision shall not be applicable in case a narcotic manufacturer sells codeine, hydrocodeine or their salts to a compounder of exempt narcotic preparations".

In Article 26 paragraph 1, next to "a narcotic compounder", "or a compounder of exempt narcotic preparations" shall be added.

In Article 27, next to "a narcotic compounder", "compounder of exempt narcotic preparations" shall be added.

In proviso of Article 28, "narcotic local wholesale dealers or dealers in exempt narcotic preparations" shall be amended as "narcotic dealers" and next to the same Article, the following one paragraph shall be added:

"2 A compounder of exempt narcotic preparations shall not sell exempt narcotic preparations to persons other than a narcotic dealer"

In Article 29 paragraph 1, next to "narcotic compounder", "compounder of exempt narcotic preparations" shall be added and "this provision shall not be applied to exempt narcotic preparations" shall be amended as "the above dealers shall not seal the containers of exempt narcotic preparations with the seal issued by the government"

In Articles 30 and 31, next to "a narcotic compounder", "compounder of exempt narcotic preparations" shall be added.

In proviso of Article 33, "dealers in exempt narcotic preparations" shall be amended as "narcotic dealers"

In proviso of Article 34, "dealers in exempt narcotic preparations" shall be amended as "narcotic dealers" and next to the same Article, the following one paragraph shall be added:

"2. A wholesale dealer in exempt narcotic preparations shall not sell or give away exempt narcotic preparations to persons other than a narcotic dealer"

In Article 35, "A narcotic central wholesale dealer or a local wholesale dealer" shall be amended as "A narcotic central wholesale dealer, a narcotic local wholesale dealer or a wholesale dealer in exempt narcotic preparations".

In Article 45 paragraph 1, "date and his seal" shall be amended as "and date"

In Article 47, paragraph 1, shall be amended as follows:

"A narcotic retail dealer, a narcotic practitioner, a narcotic administrator or a narcotic research worker shall submit a report in regard to the following informations to the Minister of Welfare by the 30th of November of each year.

1. The name and quantity of narcotics by number and unit weight of container on hand on the 15th of October of the preceding year.
2. The name and quantity of narcotics by number and unit weight of container received, purchased, sold, given away, administered, dispensed or used for research, from the 15th of October of the preceding year to the 15th of October of the same year.
3. The name and quantity of narcotics by number and unit weight of container on hand on the 15th of October of the same year."

In chapter 111, next to Article 47, the following two Articles shall be added:

Article 47-2 A narcotic retail dealer, a narcotic practitioner, a narcotic administrator or a narcotic research worker shall not sell or give away narcotics (excepting exempt narcotic preparations) to other narcotic dealers without obtaining the authorization of the Minister of Welfare, excepting the cases which are covered by the provisions of this Law.

Article 47-3 A compounder of exempt narcotic preparations, a wholesale dealer of exempt narcotic preparations or a retail dealer in exempt narcotic preparations shall not possess, compound, purchase, receive, sell or give away narcotics other than exempt narcotic preparations: however, this provision shall not be applicable when a compounder of exempt narcotic preparations buys or receives the narcotics which are sold or given away in accordance with the provision of the proviso of article 24 and possesses the said narcotics'.

In Article 57 paragraph 1, "item (1), (2) or (3) of Article 4" shall be amended as item (1) or (2) of Article 4" and "Article 44 or 46" shall be amended as "Article 44, 46 or 47-3 and next to the same Article, the following three Articles shall be added:

Article 57-2 A person who has violated the provision of paragraph 3 of Article 4 shall be subjected to penal servitude not exceeding 7 years.

Article 57-3 A person who has committed, for the purpose of profit making, the offence provided for in the preceding two articles shall be subjected to penal servitude not exceeding 7 years or to that not exceeding 7 years and a fine not exceeding 500,000 yen in consideration of the circumstances.

Article 57-4 A person who has habitually committed the offence provided for in Article 57 or 57-2 shall be subjected to penal servitude not less than 1 year and not exceeding 10 years.

2. When the act provided for in the preceding paragraph falls under the provision of the preceding Article, the actual offender shall be subjected to penal servitude not less than 1 year and not exceeding 10 years, or to that not less than 1 year and not exceeding 10 years and a fine not exceeding 500,000 yen in consideration of the circumstances.

In Article 58 paragraph 1 item (1), next to "Article 19", "paragraph 1 or 2" shall be added, and "Articles 28, 33, 34, Article 36 paragraph 2 or Article 38 paragraph "2" shall be amended as "Article 28 paragraph 1 or 2, Article 33, Article 34 paragraph 1 or 2, Article 36 paragraph 2, Article 38 paragraph 2 or Article 47-2". In item (2) of the same paragraph, "Article 28 or 34" shall be amended as "Article 28 paragraph 1, Article 33, Article 34 paragraph 1, Article 47-2 or 47-3".

In Article 61, item (3) shall be made item (4) and next to item (2), the following one item shall be added:

"(3) person who has violated the provision of Article 19-2".

In Article 63, "Articles 57, 58, 59" shall be amended as "Articles 57, 57-3, Article 57-4, paragraph 2, Articles 58, 59"

Article 2. The Taima Control Law (Law No. 124 of 1948) shall be partially amended as follows:

Article 15 shall be amended as follows:

"Article 15, Taima producer shall submit a report to the Minister of Welfare in regard to the following matters within thirty days after the close of the each year.

1. Quantity of Taima seeds capable of germination on hand at the beginning of the preceding year.
2. Area of plots or fields under cultivation during the preceding year.
3. Quantity of Taima fiber yield during the preceding year.
4. Quantity of Taima seeds harvested, purchased, sold or used during the preceding year.
5. Quantity of Taima seeds capable of germination on hand at the close of the preceding year".

Article 17 shall be amended as follows:

"Article 17. Taima research worker shall submit a report to the Minister of Welfare in regard to the following matters within thirty days after the close of each year.

1. Quantity and kind of Taima on hand at the beginning of the preceding year.
2. Area of plots or fields under cultivation during the preceding year.
3. Quantity and kind of Taima produced or received during the preceding year.
4. Quantity and kind of Taima used for research during the preceding year, and quantity and kind of Taima produced as the result of research.
5. Quantity and kind of Taima on hand at the close of the preceding year".

In Article 25, item (3) shall be deleted and item (4) shall be made item (3).

Supplementary provisions:

1. This Law shall come into force as from the date of its promulgation.
2. As for the application of the penal provisions to the acts committed before the enforcement of this Law, the precedents under the former provisions shall still apply.

E/NL. 1952/94

Ministry of Welfare Ordinance No. 1
(January 26, 1952)

The Enforcement Regulations of the Narcotic Control Law (Ministry of Welfare Ordinance No. 26 of 1948) shall be partially amended as follows:

Minister of Welfare
(signed)

The following one item shall be added to Article 1:

12. 3-hydroxy-N-methylmorphinan

Supplementary provision:

This Ministerial Ordinance shall come into force as from the day of its promulgation.

E/NL. 1952/95

Ministry of Welfare Ordinance No. 20
(June 6, 1952)

The enforcement Regulations of the Narcotic Control Law (Ministry of Welfare Ordinance No. 26 of 1948) shall be partially amended as follows:

In Article 10, next to "narcotic compounder" "compounder of exempt narcotic preparations" shall be added.

In Article 11, next to "narcotic compounder" "compounder of exempt narcotic preparations" shall be added and "or narcotic wholesale dealer" shall be amended as "narcotic wholesale dealer or wholesale dealer of exempt narcotic preparations".

The appendix form No. 1 shall be amended as follows:

APPENDIX FORM NO. 1

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| NO. 41806 | | | | NO. 41806 | | | | | | |
| RECEIPT FORM OF NARCOTICS | | | | TRANSFER FORM OF NARCOTICS | | | | | | |
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Supplementary Provisions

This Ordinance shall come into force on and after the day of its promulgation and shall be applicable on and after June 1st, 1952.

Transfer forms and receipt forms under the appendix form No. 1, issued previous to the enforcement of this Ordinance shall be deemed as those under the newly amended form No. 1, until July 31st 1952.