
CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE
DISTRIBUTION OF NARCOTIC DRUGS OF 13 JULY 1931 AS
AMENDED BY THE PROTOCOL OF 11 DECEMBER 1946

JAPAN

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MINISTERIAL ORDINANCE

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Ministry of Welfare Ordinance No. 25

June 19, 1946

The Narcotic Control Regulation based on the Imperial Ordinance
No. 542, dated twentieth years of Showa, will be decided as follows:

Minister of Welfare

Yoshinari Kawai

Article 1. Matters relating to the compounding, production, sale, delivery,
dispensing (including the delivery of a narcotic prescription) or
distribution of narcotics shall be provided by this Ministry Regulation.

Article 2. The term "Narcotics" or "Narcotic Drugs" means opium or coca
leaves, or any compounds, manufacture, salt, derivative or preparation
thereof or marihuana. The term "Marihuana" means all parts of the plant
Connavis (sic) Sativa L, whether growing or not; the seeds thereof; the

/resin

resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fibre produced from such stalks, oil or coke made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fibre, oil, or coke, or the sterilized seed of such plant which is incapable of germination.

Article 3. The word "Narcotic Dealer" as used in this Regulation shall include a person who may be lawfully entitled to compound, produce, sell, deal in, deliver, dispense or otherwise distribute narcotics or narcotic drugs.

In accordance with the kind of activities, narcotic dealers shall be classified into narcotic compounder or producer, narcotic central wholesale dealer, narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, dealer in exempt narcotic preparations, and narcotic research worker. A narcotic compounder is a person, who by compounding or mixing, produces narcotic drugs or preparations for sale or distribution in original sealed packages as provided for in this Regulation.

A narcotic producer is a person who produces narcotic drugs or preparations to be sold not by mixing or compounding, but merely transferring the contents of one package or of a number of packages to one or more packages of the same or of greater or smaller size.

A narcotic wholesale dealer (including central and local) is a person who sells or offers for sale narcotic drugs or preparations in original sealed packages.

A narcotic retail dealer is a person who sells narcotic drugs or preparations from original sealed package with or without compounding, pursuant to prescriptions written by registered narcotic practitioners in the course of professional practice.

/A narcotic

A narcotic practitioner (sic) is a physician, dentist, or veterinary surgeon who prescribes, dispenses, delivers or administers narcotic drugs or preparations.

A dealer in exempt narcotic preparations is a person who sells exempt narcotic preparations.

The term "Exempt Narcotic Preparations" means the preparations and remedies which contain not more than 0.4 per cent of opium, or not more than 0.05 per cent of morphine, or not more than 0.2 per cent of codeine, hydrocodeine or any salt or derivative of any of them provided the preparation shall contain active medicinal drugs other than narcotics to confer upon the preparation valuable medicinal qualities other than those possessed by the narcotic drug alone.

A narcotic research worker is a person who uses narcotics or narcotic drugs for the purpose of his scientific researches.

Article 4. Any person who desires to be a narcotic dealer shall obtain the licenses in accordance with each kind of activities. In case, however, where the compounder or producer sells the narcotic drugs compounded or produced to a central wholesale dealer by wholesale, his activities may not be deemed as activities of a wholesale dealer.

Article 5. The license of a narcotic dealer shall be given to the following persons when approved by the Minister of Welfare:

1. The license for narcotic compounder or producer shall be given to a manufacturer of medicines who is himself a licensed pharmacist or employs a licensed pharmacist.
2. The license for narcotic wholesale dealer shall be given to a seller of medicines who is himself a licensed pharmacist or employs a licensed pharmacist.
3. The license for narcotic retail dealer shall be given to an administrator of a licensed pharmacy who is himself a licensed pharmacist or employs a licensed pharmacist.

/4. The license

4. The license for narcotic practitioner shall be given to a physician, dentist, or veterinary surgeon.
5. The license for dealer in exempt narcotic preparations shall be given to a seller of medicines.
6. The license for narcotic research worker shall be given to a research worker approved by the Minister of Welfare as having acquired necessary knowledge and technics in handling narcotics.

Article 6. No license of a narcotic dealer shall be granted to a person who himself corresponds to or employs as his chief technician such person as falling under either of the following items:

1. A person chronically poisoned by narcotics.
2. A person who has been once convicted of any crime and subjected to penal servitude, or major fine.

Article 7. No license of a narcotic dealer may be granted to a person who himself corresponds to or employs (sic) as his chief technician such person as falling under either of the following items except as specifically authorized by the Minister of Welfare:

1. A person who has been subjected to minor fine or detention in connection with narcotics.
2. A person who has once been convicted of any crime or offence in connection with pharmaceutical affairs, other than those coming under Item 2 of Article 6 and the preceding Items of this Article.

Article 8. The Ministry of Welfare shall keep the Register of Narcotic Dealers in which shall be entered matters and items relating to the license of the registered narcotic dealers.

Article 9. Any person who desires to obtain the license for narcotic dealer shall present an application to the Minister of Welfare through the Local Governor of the district where he lives or has his business office, together with the following certificates:

/1. In case

1. In case the applicant is himself or employs a physician, dentist, veterinarian, surgeon or pharmacist, a copy of the license certificate of physician, dentist, veterinary surgeon or pharmacist shall be presented.

2. In case the applicant is a research worker, an authoritative certificate proving his profession, together with his curriculum vitae and a copy of his census abstract shall be presented.

3. In case the applicant is a seller of medicines who is himself neither pharmacist nor employs pharmacist, a copy of his license certificate of seller of medicines, together with his census abstract shall be presented.

Article 10. In case the Minister of Welfare grants a license for the applicant, the name of licensee shall be entered in the Register of Narcotic Dealers, and the license certificate shall be issued. The license certificate thus issued can be neither transferred (sic) nor loaned.

Article 11. The items to be entered in the Register of Narcotic Dealers are as follows:

1. Date and number of registration.
2. Name and address of the licensee.
3. Name of the chief technician. (In case no chief technician is employed, the reason shall be stated.)
4. Classification of the narcotic dealer.
5. The reason for and date of the annulment of license or the suspension of activities.
6. The reason for and date of the reissuance of license certificate.
7. The reason for and date of cancellation of the registration.

Article 12. Narcotic dealers shall, in case where their names are entered in the Register of Narcotic Dealers, pay the registration tax, in accordance with classification as shown below:

/Annual tax rate

Annual tax rate (in <u>yen</u> unit)	Person liable
500	Narcotic compounder of producer
500	Narcotic central wholesale dealer
300	Narcotic local wholesale dealer
30	Narcotic retail dealer
30	Narcotic practitioner
30	Dealer in exempt narcotic preparations
10	Narcotic research worker

Article 13. The license of narcotic dealer shall be renewed annually and shall be valid during the period from 1st January to 31st December inclusive.

Article 14. Any application for alteration of the matters in Item 2 or 3 of Article 11 shall be filed by a narcotic dealer with a statement thereof together with the license certificate within one month to the Minister of Welfare through the Local Governor of the district where the licensee lives or has his business office.

Any person who files an application for alteration of registered items under the provision prescribed in the preceding paragraph shall pay a fee of five yen.

In case of paragraph 1 a corrected license certificate shall be issued.

Article 15. In case the license certificate is damaged or lost the application for reissuance must be filed within one month to the Minister of Welfare through the Local Governor of the district where the applicant lives or has his business office with a statement thereof, and in case of damage, additionally with the damaged license certificate.

Any person who files an application for reissuance under the provision prescribed in the preceding paragraph shall pay a fee of five yen.

/In case

In case of discovery of the lost license certificate after having filed an application for reissuance under the provision prescribed in paragraph 1 the applicant shall return the license certificate discovered to the Minister of Welfare through the Local Governor of the district where he lives or has his business office within ten days.

Article 16. Any person who files an application as prescribed in Article 9, Article 14, or the preceding Article shall affix the revenue stamp corresponding to the registration tax or the fee to the application.

The registration tax or the fee once paid shall not be repaid.

Article 17. In case a narcotic dealer intends to apply for annulment of license, he shall file an application with a statement thereof together with the license certificate to the Minister of Welfare through the Local Governor of the district where he lives or has his business office.

In case of death, or dissolution of a narcotic dealer, the person responsible to notify or the liquidator shall notify the fact together with the license certificate to the Minister of Welfare through the Local Governor of the district where the narcotic dealer lived or had his business office within ten days.

The Minister of Welfare shall cancel the registration when he annuls license or receives notice prescribed in the preceding paragraph.

Article 18. In case the license of a narcotic dealer has been cancelled or the license has lost its validity, the narcotic dealer shall return the license certificate within ten days to the Minister of Welfare through the Local Governor of the district where he lives or has his business office.

Article 19. In case the activities of a narcotic dealer have been suspended, the narcotic dealer shall present the license certificate to the Local Governor of the district where he lives or has his business office within ten days.

In case as provided for in the preceding paragraph, the Local Governor shall return the license certificate to the narcotic dealer after

/the expiration

the expiration of the period, indicating on the license certificate the main reasons for the suspension of the activities of the narcotic dealer, with his signature properly affixed.

Article 20. In case the license of a narcotic dealer has been cancelled, the license has lost its validity without filing a new application for license, or in case a narcotic dealer has died or dissolved, the person himself, the head of a family, the heir or the liquidator shall transfer all the remaining narcotics to a person appointed by the Minister of Welfare.

Article 21. The procedures prescribed in the preceding Article shall be followed by the administrator when the head of a family or the heir is absent or remained undetermined.

Article 22. In case a narcotic dealer desires to obtain a new license after his license has lost its validity, he shall submit to the Minister of Welfare the report pertaining to the description of article of narcotics and quantity thereof on hand at the date of application besides the application prescribed in Article 9 through the Local Governor of the district where he lives or has his business office.

Article 23. Any person other than narcotic dealers is prohibited from compounding, producing, selling, delivering, or dispensing narcotics.

Article 24. A narcotic compounder or producer shall neither sell nor deliver narcotic drugs which they have compounded and produced unless the narcotic drugs are packed in receptacles, sealed with stamps fixed by the Government. This rule, however, shall not apply to the exempt narcotic preparations.

Article 25. A narcotic compounder or producer shall indicate on the receptacles as well as on the wrappings the following particulars in addition to such items as are prescribed to be indicated by the Enforcement Regulation of Medical Law. Articles 65 and 98:

/1. (Japanese

1. (Japanese character)
2. Date of compounding or producing and the number of receptacles.
3. Percentage of narcotic contained.

Article 26. A narcotic compounder or producer shall apply for permission quarterly (every year beginning January) regarding the following items to the Minister of Welfare through the Local Governor of the district where he lives or has his business office:

1. Description of article of narcotics and quantity thereof to be compounded or produced.
2. Kind of receptacles to be used and numbers of each kind of receptacles.

Article 27. In case the permission prescribed in the preceding Article has been granted, the narcotic compounder or producer shall apply for stamps to be used for seal as provided for in the provisions of Article 24 to the Local Governor of the district where he lives or has his business office with a copy of permit.

Article 28. A narcotic compounder or producer who has secured the permit prescribed in Article 26 shall report within twenty days after the expiration of each period the following items to the Minister of Welfare through the Local Governor of the district where he lives or has his business office:

1. Description of article of narcotics and quantity thereof, having been compounded or produced.
2. Kind of receptacles used and numbers of each kind of receptacles.

Article 29. A narcotic compounder or producer shall neither sell nor deliver narcotics to any person other than a narcotic central wholesale dealer.

Article 30. A narcotic central wholesale dealer shall neither sell nor deliver narcotics to any person other than a narcotic local wholesale dealer.

/Article 31.

Article 31. A narcotic local wholesale dealer shall neither sell nor deliver narcotics to any person other than a narcotic retail dealer, a narcotic practitioner, a dealer in exempt narcotic preparations, or a narcotic research worker residing within the same prefecture or district.

Article 32. A narcotic central wholesale dealer or a narcotic local wholesale dealer shall not open, reseal, change or damage the seal of a sealed narcotic receptacle.

A narcotic central wholesale dealer, or a narcotic local wholesale dealer shall neither sell nor deliver the unsealed narcotics or the sealed narcotics of which the seal has become ineffective or the receptacle has been opened, resealed, changed or damaged.

Article 33. A narcotic retail dealer shall neither sell nor deliver narcotics which are not compounded in accordance with the prescription of a narcotic practitioner.

Article 34. A narcotic practitioner shall not dispense narcotics for purposes other than medical treatment towards other persons or livestocks.

In the preceding paragraph a narcotic practitioner shall not prescribe, dispense, sell, give away or otherwise distribute narcotic drugs except from an original sealed package as provided in this Regulation and in the course of his professional practice only.

Article 35. A narcotic practitioner shall not dispense narcotics towards a narcotic poisoned person for the purpose of relieving him from poisoning or curing poisoning.

Article 36. In case of delivering a narcotic prescription, a narcotic practitioner shall inscribe that he is lawfully entitled to be a narcotic dealer in the prescription with his signature.

Article 37. A dealer in exempt narcotic preparations shall neither sell nor deliver exempt narcotic preparations to any person who requires exempt narcotic preparations unless he represents to the dealer in exempt narcotic preparations a request in writing stating

/the name

the name of the article, the amount thereof, date, his name and address with his signature (sic) duly affixed.

Article 38. A narcotic research worker shall not use narcotics for any purpose than research.

Article 39. Narcotic dealers who have accumulated a stock of narcotics beyond their necessities, may by order of the Minister of Welfare be directed to dispose of the surplus stock by sale to another dealer.

Article 40. A narcotic dealer shall not make transaction of narcotics with any other narcotic dealer unless the buyer delivers to the seller the form which the buyer has obtained from the Government, and has properly completed the same and verified it with his signature.

A narcotic dealer shall obtain the form prescribed in the preceding paragraph from the Local Governor of the district where he lives or has his business office.

Article 41. In case where the quality of narcotic is found to have deteriorated, or the seal or the receptacle thereof is found to be damaged after transaction, a narcotic dealer who has bought the aforesaid narcotic shall ask the narcotic compounder or producer concerned to replace the same with a new one.

The narcotic compounder or producer shall not decline such demand.

Article 42. Any person, unless he comes under any of the following items, shall not possess or own narcotics:

1. A narcotic dealer
2. A person who has obtained the delivery of narcotics under the provisions of Article 33
3. A person who has obtained the delivery of narcotics under the provisions of Article 34
4. A person who has obtained the delivery of narcotics under the provisions of Article 37

/Article 43.

Article 43. A narcotic compounder or producer shall present to the Minister of Welfare a report describing the following matters not later than 10th of every month through the Local Governor of the district where the narcotic compounder or producer lives or has his business office:

1. Description of article of narcotics, and quantity thereof existent at the beginning of the preceding month.
2. Description of article of narcotics which a narcotic compounder or producer had bought and sold during the preceding month, and the quantity thereof, and the date on which he had bought and sold, as well as the name of the place of business from and to which he had bought and sold narcotic.
3. Description of article of narcotics, and quantity thereof existent at the end of the preceding month.

Article 44. A narcotic central wholesale dealer, a narcotic local wholesale dealer, or a wholesale dealer in exempt narcotic preparations shall present to the Minister of Welfare a report stating the matters shown below not later than the 10th of every month, through the Local Governor of the district where he lives or has his business office:

1. Description and quantity of article of narcotics existent at the beginning of preceding month.
2. Description and quantity of article of narcotics bought and sold during the preceding month, and the date on which narcotic was bought and sold, and the name of the place of business from and to which narcotic was bought and sold.
3. Description and quantity of narcotic existent at the end of the preceding month.

Article 45. A narcotic central wholesale dealer or a narcotic local (sic) wholesale dealer shall present to the Minister of Welfare through the Local Governor of the district where he lives or has his business office,

/a report

a report stating the description and quantity of article of narcotics bought and sold from January to June, and from July to December, twice yearly, within twenty days after the end of June and the end of December.

Article 46. A narcotic practitioner, a narcotic retail dealer, and a narcotic research worker shall present to the Minister of Welfare a report stating the matters as shown below on 31 January, through the Local Governor of the district where he lives or has his business office:

1. Description and quantity of article or narcotics existent at the beginning of the preceding year.
2. Description and quantity of article of narcotics bought and sold during the preceding year.
3. Description and quantity of article of narcotics existent at the end of the preceding year.

Article 47. A narcotic dealer shall demonstrate himself as a narcotic dealer by means of hanging out his license certificate in his business office.

Article 48. Narcotics shall be kept in a safely locked place, apart from other medicines.

Article 49. All documents delivered to narcotic dealer according to the provisions of Article 49 shall be kept in hand at least five years.

Article 50. A narcotic dealer (except a narcotic practitioner) shall keep books for all dealings pertaining to narcotics, such as the description of article of narcotics and quantity thereof, date, and from whom it was bought and to whom it was sold. These books shall be kept at least five years.

Article 51. A narcotic practitioner shall keep all narcotic prescriptions and records showing name, address and diagnosis of all patients receiving narcotics, date and amount received at least five years.

/A dealer

A dealer in exempt narcotic preparations shall keep all documents delivered to him according to the provisions of Article 37 at least five years.

Article 52. The Minister of Welfare or the Local Governor concerned may, whenever he deems it necessary for supervision of narcotic, issue to a narcotic dealer instructions in regard to compounding, production, sale, delivery concerned and dispensation of narcotics.

Article 53. The Minister of Welfare or the Local Governor concerned may confiscate narcotics compounded, produced, sold, delivered, dispensed, owned, or possessed in contravention of the provisions of the present Regulation and may take other necessary measure in the case of such contravention.

Article 54. The Minister of Welfare or the Local Governor concerned may, wherever necessary, cause an competent official to inspect a drug store, dispensary, plant, shop, warehouse, or other places for the purpose of checking up its structure, facilities, equipments, conditions of occupations and activities, or documentary books and papers or other articles, or may cause the competent official to get free of charge the necessary amount of narcotic for an examination purpose.

The Minister of Welfare or the Local Governor concerned shall let the competent official have his identification with him in case where the Minister of Welfare or the Local Governor intends to dispatch him to make the said inspection and examination in accordance with the provisions of the preceding paragraph.

Article 55. When a narcotic dealer has been convicted of a crime or an offence in connection with his business, the Minister of Welfare may annul the license of the narcotic dealer. When a narcotic dealer has been accused of a crime or an offence in connection with his business, the Minister of Welfare or the Local Governor may suspend the activities of the narcotic dealer pending final disposition of the case.

/Article 56.

Article 56. A person falling under either of the following shall be subject to penal servitude not exceeding three years or a fine not exceeding 5,000 yen, or both:

1. A person who has violated the provisions of Article 10, paragraph 2, Article 14, Article 15, paragraph 1 or 3, Article 18, Article 19, paragraph 1, Articles 20, 21, Articles 23 to 27, Articles 29 to 42, Articles 47 to 51, and Article 61.

2. A person who has made false statement in an application or books and documents as under the provisions of Articles 9, 14, 15 or 26 and a person who has made false statement pertaining to his name, address, and so on in the books and documents as under the provisions of Article 37 or in the form as under the provisions of Article 40.

3. A person who, in violation of the provisions of Articles 22, 28, Articles 43 to 46, and Article 59, has neglected reporting or made a false report.

4. A person who has violated directions as under the provisions of Article 52.

5. A person who has refused, hindered, or evaded the disposition as under the provisions of Article 53, or a person who has refused, hindered, or evaded the inspection or being got narcotics free of charge by the competent officials as under (sic) the provisions of Article 54.

6. A person who, in violation of the provisions of Article 55, has engaged in his activities during the suspension of his activities.

Article 57. If fine (sic) representative of a juridical person or a substitute for or employee of a juridical person or a person within the scope of his employment violates the provisions of paragraphs 1 to 4, or 6 of the preceding Article applying to the business of the juridical

/person

person or person, not only he is punished but also the juridical person or person may be punished according to the provisions of the preceding Article.

Supplementary Provisions:

Article 58. This present Regulation shall come into effect on the date of promulgation.

Article 59. Any person, who is entitled to compound, produce, sell, deliver, or dispense, or distribute narcotics by the Medical Law on the date of promulgation of this Regulation, shall present a report pertaining to the description of article of narcotics and quantity thereof on hand at the above-mentioned date to the Minister of Welfare through the Local Governor of the district where he lives or has his business office, within thirty days after the promulgation of this Regulation.

Article 60. Any person, who is entitled to sell, deliver, dispense, or distribute narcotics by the Medical Law on the date of promulgation of this Regulation and desires to be a narcotic dealer, shall obtain the license in accordance with the provisions of Article 4 within thirty days after the promulgation of this Regulation.

Only a person who presents an application for narcotic dealers in accordance with the preceding paragraph can sell, deliver, dispense or distribute narcotics as ever till the said person obtains the license.

Article 61. Any person, who is entitled to compound, produce, sell, deliver, dispense or distribute narcotics by the Medical Law on the date of promulgation of this Regulation and does not desire to be a narcotic dealer, shall transfer narcotics on hand to a person appointed by the Minister of Welfare.

Article 62. Articles 1 and 2 of the Welfare Ministry Regulation No. 46 issued in 1945 are changed as follows:

Article 1.

Article 1. Narcotics in this Regulation mean opium-poppy or coca tree (including plant and seed), opium or coca leaves, or any compounds, manufacture, salt, derivative or preparation of opium or coca leaves or Marihuana.

The term "Marihuana" means all parts of plant *Cannavis* (sic) *Sativa* L, whether growing or not; the seed thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seed or resin.

Article 2. Matters pertaining to the cultivation of plants from which narcotics are made, and to manufacture, import, export, transportation, delivery, dispensing, or sale of narcotics shall be provided by the Medical Law, and the Enforcement Regulation of Medical Law besides by this Regulation.

Article 63. Article 1, paragraph 2 of the Welfare Ministry Regulation No. 8 issued in 1946 is changed as follows:

Narcotics (sic) in the preceding paragraph are those regulated by Article 2 of this Regulation.

Article 64. The Enforcement Regulation of Medical Law is changed as follows:

The provisions of Articles 111 to 130, 132, 133 and 137 are struck out.

Article 138, Item 1 is changed as follows:

"A person who has violated the provisions of Article 131." In Article 138 "or Article 133" of Item 2 or 3 and "any person who cultivates coca trees for the purpose of acquiring coca leaves" of Item 4 are struck out.

* * *

/Ministry of

Ministry of Welfare Ordinance No. 27

June 19, 1946

The following amendment is made to Ordinance No. 21, Welfare Ministry, dated June 1932, Fifth Amendment Pharmacopoeia Japonica.

The following four articles on the list of standing medicines (List I) are struck out:

Cocaine Hydrochloride

Codeine Phosphate

Morphine Hydrochloride

Tincture of Opium

Supplementary provision:

The present Ordinance shall come into effect as from the day of its promulgation.

Minister of Welfare

Yoshinari Kawai
