UNITED NATIONS NATIONS UNIES

LAWS AND REGULATIONS

COMMUNICATED IN COMPLIANCE WITH THE TERMS OF THE

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

MOZAMBIQUE

COMMUNICATED BY THE GOVERNMENT OF

PORTUGAL

1948

E/NL.1948/9
1 September 1948

English - 800

Note by the Secretary-General

In accordance with Article 21 of the Convention of 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 forward to the Members of the United Nations and to the other parties to the Convention the following law communicated by the Government of Portugal.

COLONY OF MOZAMBIQUE
DIRECTORATE OF HEALTH SERVICES

REGULATIONS FOR THE PRACTICE OF PHARMACY*

Adopted by Legislative Decree No. 775 of
24 December 1941

CHAPTER V

Poisons and Narcotic Drugs

Article 57. Narcotic Drugs may not be imported or exported except by the persons specified hereunder:

(a) Pharmacists responsible for the technical direction of pharmacies or laboratories preparing pharmaceutical products;

(b) Doctors, veterinary surgeons or pharmacists in charge of scientific laboratories;

(c) The managers of wholesale firms or representatives of firms processing narcotic drugs or preparations thereof.

Article 58. The provisions of this Decree shall be applied by the Customs Service of the Colony only to the exportation and importation for consumption of the drugs and products listed in Schedule D annexed to this Decree and forming an integral part thereof.

1. The same provisions shall be applied, by order of the Governor-General, at the instance of the Board of Health and Hygiene, to any other narcotic drug the misuse of which is recognized as likely to produce harmful effects.

2. When the countries of origin so require, the Government of the Colony shall issue a certificate stating that the products to be imported are intended for legitimate medical or scientific purposes, in accordance with Article 62 of this Decree, and that they will not be re-exported.

Article 59. The importation, cultivation, sale and consumption of Cannabis sativa (L.), known to the natives as "bange" or "suruma", are absolutely prohibited.

Article 60. Persons specified in Article 57 wishing to import the drugs listed in Schedule D, referred to in Article 58 above, must obtain the authorization of the Government of the Colony by lodging an application addressed to the Governor-General with the Directorate of Health Services, which, after approval is given, will forward it to the Inspectorate of Pharmacies, where it will be placed on file.

1. The application, duly signed, shall in the case of persons specified in Article 57 (a) and (b), state the registered number of the pharmacy or laboratory and in the case of persons included in paragraph (c) of the same Article must be accompanied by the firm's certificate of registration with the Chamber of Commerce.

2. Each application shall be filed separately in the Inspectorate of Pharmacies the names of the importing firms being entered in the appropriate register.

Article 61. Whenever an importer, duly authorized and registered in accordance with Article 60, wishes to import any of the drugs referred to, he must apply to the Governor-General, through the Directorate of Health Services, for an import licence.

1. The application shall state the name and amount of the drugs it is intended to import, the customs house of entry, the name of the manufacturer and route of shipment. In the case of drugs other than pure alkaloids, or of compound medicines and patent medicines, the alkaloid content of the drug or compound shall be indicated. The application shall be examined by the Inspectorate of Pharmacies, and, if the Inspectorate so requires, the applicant must submit samples for confirmatory analysis.

2. When the applicant is merely a receiving agent, orders endorsed by the persons specified in Article 57 for whom the drugs are intended shall also be submitted.

3. The application shall then be submitted to the Director of Health Services, whose decision, based on information furnished by the Veterinary Department, in the case of veterinary medicines, by the Inspectorate of Pharmacies, and on the report of the analyses, if any, will determine whether the authorization requested, is granted or refused.

4. The decision to grant or refuse the import licence, in whole or in part, shall be communicated to the applicant and the customs house concerned. Appeal may be made against this decision, within 15 days in Lourenço Marques, and within 60 days in

* This excerpt from Decree No. 775 of December 24th, 1941, was transmitted by the Portuguese Embassy in Washington, D.C., to the Secretary-General of the United Nations with a note of June 10th, 1948, stating that this excerpt "contains all the regulations regarding Narcotic Drugs, in force in Mozambique".

other parts of the Colony, to the Governor-General, who shall give his ruling after consultation with the Board of Health and Hygiene.

Article 62. Narcotic drugs may be sold or consumed only for legitimate medicinal, pharmaceutical or scientific purposes.

1. Wholesalers shall sell only to duly registered pharmacies or pharmaceutical products laboratories, on presentation of an order endorsed by the pharmacist in charge of the pharmacy or laboratory, and to scientific institutions on receipt of an order from the director of the institution.

2. Doctors are permitted to order narcotic drugs from pharmacies for use in their consulting rooms, the use of the drugs being accounted for. Doctors must keep a suitable register in which the use made of the narcotic drugs so ordered may be readily checked.

Article 63. Pharmacies shall not supply the public with the narcotic drugs listed in Schedule D or with the poisons listed in Schedule E, annexed to this Decree and forming an intergral part thereof, except on a prescription from a doctor or qualified veterinary surgeon, who shall, in addition to his usual signature, append in a clearly legible hand, his full name and address and the name and address of the patient. Directions for the use of the medicine must also be given.

1. Prescriptions including any of the substances listed in Schedule E may not be repeated without written authorization from a doctor for each repetition.

2. Medical prescriptions including narcotic drugs shall be copied in a special register, cancelled with the pharmacy's stamp and filed as a voucher in support of the reports referred to in Article 66. A certified copy, bearing the stamp of the pharmacy and its number in the special register, shall be furnished to the patient. Orders may be re-filled only on presentation of a new prescription.

Article 64. Poisons normally used in agriculture and stock-breeding, such as insecticides, fungicides or disinfectants, may be sold only to State services and to farmers and stock-breeders registered in the land Registers concerned.

1. Purchasers shall furnish the suppliers with sufficient information, which must include the name and address of the person concerned, the name and quantity of the product purchased and the date.

2. The supplier shall file the information as proof of the transaction.

Article 65. On their personal responsibility and as medicine for immediate use in case of emergency, pharmacists may supply the following galenic preparations: tincture of opium, Sydenham laudanum and Dover powder, provided the total quantity supplied does not contain more than 24 centigrammes of officinal opium. The Pharmacist shall enter the amounts thus dispensed in the proper register.

Article 66. Importers and wholesalers shall submit to the Inspectorate of Pharmacies detailed quarterly returns of the quantities of narcotic drugs imported, purchased or sold, showing the pharmacies or pharmaceutical products laboratories and establishments to which the sales were made and clearly indicating the amount supplied to each. Pharmacies shall also submit quarterly returns of the quantities sold and the numbers of the prescriptions relating thereto.

1. The persons specified in Article 57 shall enter all transactions in narcotic drugs in a special register. Pharmacies shall, in addition, keep a register of the relevant prescriptions. These books, which shall be sealed or stamped by the Inspectorate of Pharmacies and signed by the district inspector or other inspector concerned, may not contain blank spaces, erasures or amendments; each entry shall have a serial number and show the name, profession and address of the person whom the drug was supplied and the nature of the transaction, whether for payment or not.

2. State institutions, hospitals, charitable and welfare institutions with private dispensaries shall also submit quarterly returns showing the quantities of drugs in their charge received and dispensed.

3. Pharmacists in charge of the technical direction of pharmaceutical laboratories employing narcotic drugs in the manufacture of pharmaceutical, veterinary, agricultural, or industrial products must indicate in the special register required under the present Article, the quantity and quality of the products manufactured.

4. The quarterly returns referred to in this Article, and in paragraph 2, shall be sent, by registered post, to the Inspectorate of Pharmacies not later than 30 days after the end of the quarter to which they relate.

5. The Inspectorate of Pharmacies shall provide specimen forms of the quarterly returns referred to in the present Article, and in paragraph 2.

Article 67. The re-exportation of narcotic drugs is expressly prohibited.

Article 68. Pharmacies and pharmaceutical laboratories in which the substances referred to in Article 58 are processed or manufactured, may export their products with

the permission of the Board of Health and Hygiene; applications for permission shall contain:

(1) The name of the exporting firm;

(2) The quantity and quality of the substances or preparations and a description of the packing used for them;

(3) The name and address of the consignee;

(4) The means of transport, i.e. whether by land, sea or air or by registered mail, and the customs house through which they are to be exported;

(5) A declaration to the effect that importation is authorized by the country of destination in accordance with its special laws governing the importation of such products and preparations.

1. The customs house through which the products are exported shall examine the goods to see that the quantity, quality and packing are as desoribed in the exporter's application and in the licence granted and shall furnish the exporter with a certificate.

2. The despatch of the substances exported shall be entered in the special register of transactions referred to in Article 66, paragraph 1 and the customs certificate noted.

Article 69. The following fees shall be paid for the issue of the licences referred to in this Decree:

(a) $500.00 for registration as an importer;

(b) $250.00 for registration as a wholesaler;

(c) $25.00 for each import or export licence.

1. These fees shall be State revenue and shall be collected by the Chief Inspector of Pharmacies.

2. The persons defined in Article 57 (a) shall be exempt from the fees prescribed in this Article.

CHAPTER VIII
Penal Provisions

Article 83. Where no special provision is made in the Penal Code or in special legislation, the penalties for the offences hereunder specified shall be as follows:

(a) Any person not legally authorized to deal in medicinal drugs, who imports or exports, has in his possession, prepares, purchases, sells, offers for sale, or attempts to purchase or make available in any way, even free of charge, any medicinal products or patent medicines, shall be liable to a fine of not less than $500.00 or more than $5,000.00. When such products contain substances which may only be supplied on a doctor's prescription, namely narcotic drugs, the penalty shall be imprisonment in the second division for not less than six months or more than one year and a fine of not less than $5,000.00 or more than $10,000.00,

(b) The penalties prescribed in paragraph (a) shall be imposed on pharmacists supplying the public with the narcotic drugs listed in Schedule D or the poisons listed in Schedule E without a doctor's prescription or in amounts greater than those indicated in the prescription, except in emergency as provided in Article 65, and on persons who attempt to obtain or have obtained such products by use of a prescription which has already been filled or cancelled,

(c) The penalties prescribed in paragraph (a) shall also be imposed on any importers, wholesalers, manufacturers or dealers in drugs or pharmaceutical products who supply the narcotic drugs listed in Schedule D or the poisons listed in Schedule E to persons not authorized to acquire them for the practice of their profession or for scientific use, or who wittingly make inaccurate or incomplete entries in the registers required under the present Decree; if the last-named offence is due to negligence, the penalty shall be limited to a fine of not less than $500.00 or more than $5,000.00;

(d) The penalties prescribed in paragraph (a) shall be imposed also on the proprietors or managers of places of public resort, such as clubs, cafés, casinos or other places of public amusement who permit the consumption of or traffic in narcotic drugs in their establishments. Such establishments shall in every case be closed for a period of not less than one year,

(e) Any doctor failing to indicate clearly on the prescriptions for narcotic drugs or other substances which may not be supplied without a doctor's prescription, his name and address, and the name and address of the patient for whom the prescription is intended and directions for use of the medicine shall be liable to a penalty of not less than $200.00 or more than $1,000.00; any pharmacist filling a prescription not containing such information or re-filling a prescription without express authorization from the

doctor for each order shall be liable to the same penalty.

(m) The penalties prescribed in this Article may be not suspended.

Article 87. A fine of $500.00 for the first offence and of $1,000.00 for each subsequent offence shall be imposed on any pharmacist who:

(Sole paragraph) The same penalties shall be imposed on any doctor who:

(c) Fails to enter the narcotic drugs he employs in his consulting room in due form, in the proper register, or who fails to account for orders of such drugs.

Article 89. Any person failing to comply with the provisions of Article 66 and of Article 101 shall be liable to a fine of $500.00 for the first offence; of $1,000.00 for the second offence; of $2,000.00 for the third and of $5,000.00 for the fourth.

(Sole paragraph) After the fourth offence the offender shall, in addition to the maximum fine, be punished by temporary or permanent cancellation of his licence, at the discretion of the Central Board of the Inspectorate of Pharmacies.

Article 92. When it is proved that any of the firms registered as importers or wholesalers of narcotic drugs fails to fulfil any of the provisions of this Decree, the Governor-General at the instance of the Board of Health and Hygiene and after consultation with the Central Board of the Inspectorate of Pharmacies, shall order the cancellation of the registration concerned, without prejudice to the application, by the competent authority of the penalties prescribed in this Decree.

Article 107. The health, administrative, customs, police or other authorities responsible for the implementation of this Decree shall afford all possible assistance and any information requested of them by the Inspectors of Pharmacies to ensure that its provisions are complied with.

Lourenço Marques, 15 March 1948

Pharmaceutical Inspector

Printed in the U. S. A.