UNITED NATIONS

E NL . 1955/101
June 1956
ORIGINAL: Spanish

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

PANAMA

Communicated by the Government of Panama

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.

REGULATION OF THE IMPORTATION, PREPARATION AND USE OF CERTAIN DRUGS AND PENALTIES FOR OFFENDERS

ACT No. 23

(of 16 February 1954)

Regulating the importation, preparation and use of narcotic drugs and proprietary medicines containing them, and providing penalties for offenders.

The National Assembly of Panama,

whereas:

1. It is the duty of the National Assembly to take steps to see that the health of the citizens is not endangered by the importation, preparation and use of narcotic drugs by improper persons and without official authorization;
2. And whereas, under the provisions of the International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on 13 July 1931 and approved by Act 76 of 29 December 1934, the Republic of Panama, as a signatory nation, contracted obligations towards the Supervisory Body of the Permanent Central Opium Board, with headquarters in Geneva, Switzerland, with respect to reports on the importation, preparation and use of narcotic drugs for scientific and medical purposes in the territory of the Republic.

HEREBY DECREES:

Article 1. Any person who intentionally sows or cultivates the plant originating in India called Cannabis indica, commonly known in America as canyac, or illicitly produces the substances to which the present Act refers, shall be punished by internment ranging from five to ten years in the penal colony of Coiba.

Article 2. Ninety days from the promulgation of this Act, the Public Health Department of the Ministry of Public Health, with the co-operation of the National Guard, shall proceed to destroy completely any plantation or cultivation of the plant Cannabis indica or canyac existing in any part of the Republic, especially where it is cultivated or produced in its natural form.

Article 3. Any person who supplies, by sale, gift or any other means, any of the substances mentioned in articles 1 and 2 of this Act, without having obtained for them, in each case, a prescription from a physician or surgeon legally authorized to practise his profession, shall be punished by internment ranging from five to eight years in the penal colony of Coiba.

Any person who agrees to receive the substances referred to, on whatever grounds, for purposes of gain, shall be punished by the same penalty.

Article 4. Anyone making personal use of any of the substances to which this Act refers, without first obtaining a medical prescription, shall be interned by the Department of Public Health, for as long as may be necessary for their recovery, in such health establishments as that Department may determine.

Article 5. The police authorities and the members of the National Guard, shall co-operate with the health authorities in ensuring the strict enforcement of the provisions of this Act. Should the offence be repeated, the relevant rules of the Penal Code shall be applied.

Article 6. The penal offences covered by this Act shall in the first instance be within the jurisdiction of the Circuit Judges of the Penal Division.

Article 7. Persons cultivating, manufacturing or supplying the substances covered by the present Act shall not be entitled to release on bail.

Article 8. All officials having knowledge of the cases referred to in this Act shall be under the obligation to submit them to the General Directorate of Public Health, which shall keep a detailed record of them.

Article 9. An extraordinary credit for the sum of 10,000 Balboas shall be opened in the current Budget, chargeable to chapter C ... article ..., for the establishment of clinics for drug addicts and the destruction of the plantations and clandestine factories or laboratories where the substances in question are produced or manufactured.

Article 10. All provisions contrary to the present Act are hereby rescinded.

Article 11. The definitions contained in Article 1 of the International Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva, Switzerland on 13 July 1931 and ratified by various countries, among them the Republic of Panama, shall apply throughout the national territory.

Article 12. Raw opium, medicinal opium in all its forms, morphine, methylmorphine, dihydromorphine, dihydrocodeinone, dihydrohydroxycodeinone, acetyldihydrocodeinone, cocaine, Indian hemp, the other derivatives and salts and the synonyms of each of them and pharmaceutical preparations and proprietary medicines containing any of the said substances for use in trade, industry and science are subject to the provisions of the present Act.

Article 13. Narcotic drugs in their pure form, their derivatives and salts, shall be used or prepared for medical and scientific purposes and in the pharmaceutical industry solely by qualified physicians, veterinary surgeons, dentists and pharmacists.

Article 14. Narcotic drugs, their derivatives and salts and proprietary medicines containing them, may only be imported through the Customs of Panama by the public health institutions of the State and by duly authorized pharmaceutical establishments managed by a pharmacist, in conformity with the regulations in force. The latter shall be in charge of and directly responsible for the importation, preparation and sale of the said drugs and proprietary medicines. The Food, Drugs and Pharmacy Directorate of the Public Health Department shall, before authorizing their clearance, inspect consignments of narcotic drugs when they reach the Customs office of Panama, either directly or through the manager of the importing establishment, when the right of inspection has been granted him in the import permit.

Proprietary medicines containing narcotic drugs with a total daily dosage not exceeding 0.015 g. shall be excluded from the provisions of the preceding article; but importers shall be required to notify the Food, Drugs and Pharmacy Directorate of any consignment of this type of product they wish to bring into the country.

Article 15. For the importation into the territory of the Republic of narcotic drugs and proprietary medicines containing them with a total daily dosage of over 0.015 g., an annual licence, issued by the General Directorate of the Public Health Department of the Ministry of Labour, Social Welfare and Public Health, shall be required. The validity of such licences shall commence from the date of issue.

Article 16. The licences referred to in the preceding article shall be issued solely on the recommendation of the Technical Council of Public Health, on receipt of an application from the person concerned containing the following particulars:

(a) Name and place of business of the pharmaceutical establishment.
(b) Number and date of the Resolution by which it was licensed as a pharmaceutical establishment.
(c) Nature of the establishment, and number and nature of its commercial licences.
(d) Full name, signature and licence number and professional registration number of the pharmacist in charge.
(e) Full name, signature and licence number of the owner or legal representative of the establishment.

Article 17. Each time it is desired to import any of the narcotic drugs covered by the present Act, a special permit must be obtained from the National Department of Public Health, application being made on paper bearing a one-balboa (B/1.00) stamp, and two fiscal stamps of the same value being enclosed for the certified copies. This application shall include the particulars specified in the preceding article, and in addition:

(a) It shall indicate for each of the narcotic drugs requested, the total quota for that year, allotted by the National Department of Public Health to the pharmaceutical establishment making the application.
(b) The name and type of the product and the quantity per dose of the narcotic drug which it contains, together with the total amount to be imported, expressed in the metric system.
(c) The name and address of the exporting firm, the signature and registration number of the pharmacist in charge making the application.

Article 18. In accordance with the provisions of Article 10, chapter IV of the above-mentioned Geneva Convention, the exportation of narcotic drugs is prohibited.

Article 19. The importation and use in the Republic of the drug known as diacetylmorphine (heroin) is likewise prohibited.

Article 20. The Public Health Department shall notify authorized pharmaceutical establishments, through the Food, Drugs and Pharmacy Directorate, of the quotas of narcotic drugs which they may import during the year, allotting them in an equitable manner and according to the volume of their business, within the total annual quota which is, in its turn, allotted to the Republic of Panama by the Permanent Central Opium Board from its Geneva headquarters.

Article 21. Every pharmaceutical establishment importing or distributing narcotic drugs or proprietary medicines containing them in a proportion higher than 0.015 gramme per total daily dosage, shall be required to open a special narcotics control register, consisting of at least one hundred (100) pages, which must be opened, sealed and signed by the Food, Drugs and Pharmacy Directorate, and to which shall be affixed fiscal stamps to the value of one (1) centesimo per page. This register shall be kept solely by the pharmacist in charge, and in it shall be entered, with details all inward and outward movements of narcotic drugs, together with the exact quantities of the drugs used or sold, expressed in the metric system and in chronological order, and the name, date and number of the prescription. The prescription must in every case be signed by a registered physician when the drug is dispensed by a pharmacy; in the case of preparations or purchase orders to or from a pharmacy, drug store (droguería), agency, warehouse or laboratory, the signature of the pharmacist in charge is required.

Article 22. The original doctor's prescription or the purchase order signed by the pharmacist in charge shall in each case constitute evidence, and the establishment shall be required to keep them for at least one year and to produce them at the request of the Food, Drugs and Pharmacy Directorate whenever that office wishes to verify them.

Prescriptions containing narcotic drugs may not be repeated without a further prescription. Only the proprietary medicines referred to in Article 14, paragraph 2, of the present Act may be sold without a doctor's prescription and are not subject to control through the narcotics register.

Article 23. No prescription may be made up unless it complies with the following requirements:

(a) It must be written in Spanish, in ink, and include the name and address of the doctor, together with the corresponding number of his professional registration with the Secretariat of the Technical Council of Public Health. It must state:
(b) the quantity of each substance expressed in letters and figures and without corrections;
(c) the mode of administration of the medicament;
(d) the full name and address of the patient;
(e) that it may not be repeated without a further prescription;
(f) the date of issue and bear the doctor's signature.

Article 24. Every pharmaceutical establishment authorized to import, prepare and sell narcotic drugs in the Republic shall be required to send the Food, Drugs and Pharmacy Directorate a quarterly return, in duplicate, signed by the pharmacist in charge of its inward and outward movement of drugs during that period. The duplicate shall be returned to the sender, duly sealed and signed by the Directorate, and shall serve as a receipt.

The returns to which this article refers shall be sent in during the first ten (10) days of the months of January, April, July and October of each year. They shall be checked or inventoried by the Food, Drugs and Pharmacy Directorate whenever it thinks fit.

Article 25. The narcotic drugs to which this Act refers shall be kept under lock and key in a special cabinet or safe in the custody and on the personal responsibility of the pharmacist in charge of the establishment. On the cabinets intended for this class of drugs shall be written in a clearly visible position and in letters at least five centimetres high the word "ESTUPEFACIENTES" (NARCOTICS) and such cabinets shall be reserved exclusively for such drugs.

Article 26. The drugs referred to in the present Act shall be sold to the public only by pharmacies, and on receipt of a prescription issued by a registered physician.

Prescriptions issued by licensed dentists and veterinary surgeons shall be subject to the provisions of the preceding paragraph, provided that the drugs are required by them for the purposes of their profession.

Article 27. The National Department of Public Health shall refuse licences for the importation into the territory of the Republic of the drugs covered by this Act to pharmaceutical establishments which fail to comply with the relevant provisions.

Article 28. This Act shall come into force on the date of its ratification.

GIVEN in the City of Panama on the Fifteenth day of February, one thousand nine hundred and fifty-four.

The President Eligio Crespo V.

The Secretary-General G. Sierra Gutiérrez

Republic of Panama - National Executive - Presidency

Panama, 16 February 1954

José A. Remón Cantera

Minister of the Interior and Justice

Catalino Arrocha Graell