



UNITED NATIONS

E/NL. 1957/57
4 October 1957
ENGLISH
Original: ITALIAN

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

SAN MARINO

Communicated by the Government of San Marino.

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.

ACT NO. 7 OF 23 FEBRUARY, 1956

CONTROL OF, TRADE IN AND USE OF NARCOTIC DRUGS

We, the Captains Regent of the Most Serene Republic of San Marino, promulgate and publish the following law approved by the Great and General Council at its session of 23 February 1956.

Article 1

The manufacture of, trade in and use of substances and preparations having narcotic effects shall be placed under the control and supervision of the Government Office of Hygiene and Public Health which shall exercise those powers through its own central organs and the officers and agents of the police force.

Article 2

The narcotic substances shall be those enumerated in Chapter I, Article I of the International Convention for limiting the Manufacture and Regulating the Distribution of Narcotic Drugs signed at Geneva, 13 July 1931, and made operative in this Republic by Decree No. 8 of 11 May 1933. To these shall be added the ethers of methyl-phenylpiperidine carboxylic acid [1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester⁽¹⁾], commonly called dolantin and mephedine [Pethidine] and all other such substances having narcotic effects as may be named from time to time in the list published by the Office of Hygiene and Public Health.

Article 3

The cultivation of the poppy (*papaver somniferum* L.) and of other plants from which substances included in the list of narcotic drugs may be extracted, and the extraction of raw opium or other drugs from plants which contain them shall be prohibited.

Article 4

Any person engaging in the cultivation, harvesting or extraction referred to above shall be liable to imprisonment for not less than six months or more than two years and to a fine of not less than 100,000 or more than two million lire.

Article 5

The production of officinal opium and other narcotic drugs shall be prohibited.

Any person producing officinal opium or other narcotic drugs shall be liable to imprisonment for not less than two years or more than seven years and to a fine of not less than 200,000 or more than two million lire.

1) Note by the Secretariat: The words in square brackets have been inserted by the Secretariat. Proposed or recommended international non-proprietary names of drugs are underlined.

Article 6

Any person wishing to import, export, receive in transit, trade in any way, use or otherwise possess raw opium, coca leaves or paste or other drugs, substances or preparations included in the list of narcotic drugs, shall be required to obtain the specific authorization of the Great and General Council granted on the proposal of the Congress of State after hearing the opinion of the Director of the Medical Services and subject to the proper guarantees to be laid down by the Congress of State, if it is to be used for industrial purposes.

Pharmacies shall not be required to obtain authorization to acquire narcotic drugs or to sell or supply the substances and preparations described above in therapeutic doses and in the form of medicaments.

Any person without authorization acquiring, selling, supplying, exporting, importing, carrying in transit, procuring for others, using or otherwise possessing substances or preparations, included in the list of narcotic drugs, shall be liable to imprisonment for not less than three or more than eight years and to a fine of not less than 300,000 or more than four million lire.

Article 7

If any person in possession of the authorization or the licence referred to in the preceding article places or causes others to place narcotic drugs unlawfully on the market, he shall be liable to imprisonment for not less than three or more than ten years and to a fine of not less than 500,000 or more than five million lire.

Article 8

The Directorate of Medical Services shall be responsible for the control of the amounts of raw materials having narcotic effects, the amounts of narcotic drugs produced by or in the possession of each laboratory and their destination, with particular regard to the amounts distributed commercially.

The Directorate of Medical Services may, at any time, require enterprises authorized to trade in narcotic drugs to produce information and data which must be furnished within the prescribed time limit.

Any person failing to furnish the information required within the prescribed time limit, or furnishing inaccurate or incomplete data shall be liable to a fine of not less than 50,000 or more than 500,000 lire.

Article 9

When selling or supplying narcotic drugs either in the form of doses or medicaments, pharmacists are required to establish the identity of the producer who must not be under eighteen years of age and to enter the particulars of the identity document on the prescription.

Pharmacists may sell or supply narcotic drugs only on presentation of a medical prescription, only in the quantity prescribed and only in the form of an ointment, solution or other pharmaceutical preparation in which the narcotic substance is closely combined with the excipient.

The pharmacist is required to ascertain that the prescription has been drawn up in accordance with the provisions of Article 11 of this Act, to note the date of dispensing on the prescription, to enter the prescription in the prescription register and to preserve the original prescription.

Any person contravening the provisions laid down in the preceding paragraphs shall be liable to imprisonment for not less than six months or more than two years and to a fine of not less than 50,000 or more than 600,000 lire, if the act committed does not constitute a more serious offence.

Any person committing a second or subsequent offence shall not be allowed to practice as a pharmacist for a period equivalent to the term of imprisonment imposed.

Article 10

The penalties laid down in the penultimate paragraph of Article 6 shall also apply to medical practitioners or veterinary surgeons who with a view to facilitating the improper use of narcotic drugs issue prescriptions containing narcotic drugs not necessary for medical treatment or in quantities greater than necessary for such treatment.

Article 11

Physicians, surgeons and veterinary surgeons who prescribe narcotic drugs in any form whatever, shall indicate clearly on the prescriptions, which must be written by indelible means, the surname, given name and address of the patient to whom the prescription is issued or of the owner of the sick animal; they must state the dose in writing and the method and times of application and administration and must also append the date and their signature and otherwise comply with the regulations.

Prescriptions issued by practitioners of assistance agencies must be made out in duplicate, one of which must be returned by the pharmacist to the agency stamped "Dispensed (date)".

Directors of hospitals, mobile medical units, curative establishments in general and maternity homes and practitioners with offices for the practice of the medical professions may write prescriptions for narcotic drugs in the quantities necessary for the normal needs of the hospital, mobile medical unit, curative establishment, maternity home or office concerned, without entering the particulars prescribed in the first paragraph. They must keep a register showing the quantities of such substances and preparations received and dispensed and must specify the use made of the narcotic drugs in question.

Unless the act committed constitutes a more serious offence any person infringing the provisions of this article shall be liable to a fine of not less than 10,000 or more than 50,000 lire.

Article 12

A medical practitioner who attends or visits a person suffering from chronic addiction produced by narcotic drugs must report the fact within two days to the police who shall at once notify the Directorate of Medical Services.

Any person infringing this provision shall be liable to a fine of not less than 10,000 or more than 50,000 lire.

In the event of a second or subsequent offence, the offender shall be liable to imprisonment for not more than one year and shall be barred from exercising his profession for a period equal to the term of imprisonment imposed.

Article 13

In the cases envisaged in Article 10 of this Act a warrant of arrest shall be required.

Article 14

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

Given from Our Residence
this 28th day of February 1956 (1655,
Year of the Foundation of the Republic)

(signed) PRIMO BUGLI and GIUSEPPE MAINANI
Captains Regents

D. Morganti
Secretary of State for the Interior.