E/NL 1952/15-21
19 February 1952

UNITED NATIONS

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

THE UNITED STATES OF AMERICA

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 texts.

New York, 1952

Original: Japanese

E/NL.1952/15

Diet Law No. 112, Law for the Partial Amendment of Imperial Ordinance No. 528 of 1923 Regarding Designation, etc. of Judicial Police Officials and Those Who are to Perform the Duties of Judicial Police Officials.

A part of the Imperial Ordinance No. 528 of 1923 regarding designation, etc. of judicial police officials and those who are to perform the duties of judicial police officials shall be amended as follows:

Art. 7. The Prefectural administrative officials and the technical officials of the 2nd and 3rd rank in charge of narcotics control, who have been designated by the Minister of Welfare from among those recommended by the Prefectural Governor after consulting the Chief Public Prosecutor of the District Court which exercises jurisdiction over the locality where the local administrative office is situated, are empowered to investigate the offences relating to narcotics.

The officials in charge of narcotics control who conduct the investigation mentioned in the preceding paragraph shall have the same power as judicial police officers in regard to the investigation and shall not be subject to the orders of Public Prosecutors regardless of the provisions of para. 2, article 6, of the Law concerning the Office of Public Prosecutors and of the Code of Criminal Procedure, and shall be under the direction of the Minister of Welfare.

The officials in charge of narcotics control who conduct the investigation mentioned in para. 1 may conduct the investigation also in other areas than the prefecture or similar administrative division to which they are assigned, notwithstanding the provisions of article 252 of the Code of Criminal Procedure.

Whenever the officials in charge of narcotics control discover, in the course of the investigation referred to in para. 1, a situation covered by the instructions of the Minister of Justice, they shall at once refer the case to a Public Prosecutor

Officials in charge of narcotics control who conduct the investigations referred to in para. 1 shall not exceed 200 in number throughout the country, and the full number thereof for each prefecture or similar administrative division shall be determined by the Minister of Justice.

Supplementary Provision

The present Law shall come into force as from day of its promulgation.

Note: Effective 27 September 1947

The Narcotic Control Law

Law No. 123 Effective Date 10 July 1948*

Chapter I. General Provisions

Art. 1. The term "Narcotics" as used in this Law means:

(1) Opium and coca leaves (except decocainized coca leaves).

(2) All alkaloids extracted from opium or coca leaves together with their derivatives and salts.

(3) Synthetic preparations designated by the Minister of Welfare which are liable to similar abuse and cause similar ill-effects as opium or as substances mentioned in the preceding paragraph.

(4) Preparations which contain the substances mentioned in the above three paragraphs.

Art. 2. The term "Narcotic Dealer" as used in this Law means:

Narcotic importer, narcotic manufacturer, narcotic compounder, narcotic repackager, narcotic central wholesale dealer, narcotic local wholesale dealer, narcotic retail dealer, narcotic practitioner, narcotic administrator, narcotic research worker, and retail dealer in exempt narcotic preparations.

(2) The term "Narcotic Importer" as used in this Law means a person licensed by the Minister of Welfare to import narcotics.

(3) The term "Narcotic Manufacturer" as used in this Law means a person licensed by the Minister of Welfare to manufacture narcotics (transformation by means of chemical process or refining. Referred to as the same hereinafter).

(4) The term "Narcotic Compounder" as used in this Law means a person licensed by the Minister of Welfare to compound narcotics (preparing narcotic drugs or preparations other than manufacturing. Referred to as the same hereinafter).

(5) The term "Narcotic repackager" as used in this Law means a person licensed by the Minister of Welfare to repackage narcotics.

(*Explanatory remarks:* A narcotic repackager prepares narcotics to be sold by merely transferring the contents of one package or a number of packages to one or more packages of the same or of greater or smaller size).

(6) The term "Narcotic Central Wholesale Dealer" as used in this Law means a person licensed by the Minister of Welfare to provide narcotics to narcotic local wholesale dealers.

(7) The term "Narcotic Local Wholesale Dealer" as used in this Law means a person licensed by the Minister of Welfare to provide narcotics to narcotic retail dealers, narcotic practitioners, narcotic administrators or narcotic research workers.

(8) The term "Narcotic Retail Dealer" as used in this Law means a person licensed by the Minister of Welfare to provide narcotics which are prepared by a licensed pharmacist according to the prescription issued by a narcotic practitioner in the course of his professional practice only.

(9) The term "Narcotic Practitioner" as used in this Law means a doctor, dentist or veterinary surgeon licensed by the Minister of Welfare to administer, dispense, prescribe or otherwise distribute narcotics for medical purposes, to persons other than himself or to domestic animals.

* Note by the Secretariat:

Amended by Law No. 238 effective 1 January 1949 (E/NL.1949/56) and Law No. 18 of 1950 (E/NL.1950/108).

(10) The term "Narcotic Administrator" as used in this Law means a person in a hospital or dispensary licensed by the Minister of Welfare for position of responsibility to receive and dispose of narcotics to be used in that hospital or dispensary.

(11) The term "Narcotic Research Worker" as used in this Law means a person licensed by the Minister of Welfare for use of narcotics for the purpose of scientific research.

(12) The term "Dealer in Exempt Narcotic Preparations" as used in this Law means a person licensed by the Minister of Welfare for selling narcotics which contain not more than 0.4 per cent of opium, or not more than 0.05 per cent of morphine and its salts, or not more than 0.2 per cent of codeine, hydrocodeine or their salts, but which do not contain other narcotics (hereinafter called exempt narcotic preparations) to a person other than narcotic dealer.

Art. 3. A person other than a narcotic dealer shall not possess, import, manufacture, compound, repackage, dispense, prescribe, buy, sell, receive or give away narcotics or use narcotics for the purpose of research. However, this provision shall not be applied when a person receives narcotics from or prescribed by narcotic practitioners or buys and possesses narcotics, in accordance with the provisions of this Law, from retail dealers in exempt narcotic preparations.

(2) Narcotic dealers shall not do any act mentioned in the preceding paragraph except in the course of performing their own profession.

(3) A person who possesses narcotics under authority of this Law shall not use them other than the purpose for which he is authorized to possess.

Art. 4. No person shall commit the following acts:

(1) Cultivation of plant which produces narcotics;

(2) Export of narcotics;

(3) The possession, importation, manufacture, compounding, repackaging, administering, dispensing, prescribing, selling, buying, giving away or receiving of diacetylmorphine, its salts and all compounds, or preparations thereof.

(4) Becoming addicted to narcotics so as to be a menace to the public welfare because of his addiction or to lose his self-control as a result of narcotic addiction.

Chapter II. License

Art. 5. A person who is qualified and at the same time is recognized as proper to be licensed by the Minister of Welfare as a narcotic dealer shall be one of the following:

(1) For narcotic importer; importer of medicines who either is a licensed pharmacist himself or employs a licensed pharmacist;

(2) For narcotic manufacturer, narcotic compounder, or narcotic repackager, manufacturer of medicines who either is a licensed pharmacist himself or employs a licensed pharmacist;

(3) For narcotic central wholesale dealer or local wholesale dealer, dealer of medicines who either is a licensed pharmacist himself or employs a licensed pharmacist;

(4) For narcotic retail dealer; proprietor of pharmacy;

(5) For narcotic practitioner; physician, dentist or veterinary surgeon;

(6) For narcotic administrator; physician, dentist or pharmacist;

(7) For narcotic research worker; scientific research worker recognized by the Minister of Welfare as having sufficient knowledge and technique relating to narcotics;

(8) For dealer in exempt narcotic preparations; seller of medicines.

Art. 6. The Ministry of Welfare shall keep a registration book of narcotic dealers, in which matters concerning licenses as narcotic dealers shall be registered.

(2) Matters to be registered in accordance with this provision shall be provided by the Ministerial Ordinance.

Art. 7. When the Minister of Welfare approves a license for a person as a narcotic dealer, he shall register the said person in the registration book of narcotic dealers and then issue the license.

(2) The license mentioned above shall not be transferred or loaned to other persons.

Art. 8. The license of a narcotic dealer is effective from the date of issuance to December 31st of the same year.

Art. 9. A person who is going to be registered in the registration book of narcotic dealers in accordance with the provision of Art. 7 shall pay a registration fee to the national treasury according to the classification of the following:

Narcotic importer, narcotic manufacturer, narcotic compounder, narcotic repackager, or narcotic central wholesale dealer - 1,000 yen.

Narcotic local wholesale dealer - 700 yen.

Narcotic retail dealer, narcotic practitioner, narcotic administrator or dealer in exempt narcotic preparations - 100 yen.

Narcotic research worker - 50 yen.

Art.10. When a narcotic dealer wishes to apply for cancellation of license, he shall file an application to the Minister of Welfare in accordance with the provisions of the Ministerial Ordinance.

(2) In case of death or dissolution of a narcotic dealer, the heir (The custodian of the property, when the heir is not known. The same hereinafter) or the liquidator shall report to the Minister of Welfare the fact in accordance with the provisions of the Ministerial Ordinance.

(3) When the Minister of Welfare receives the application mentioned in paragraph 1 or the report mentioned in the preceding paragraph of this article he shall delete the registration of the said person from the registration book of narcotic dealers.

Art.11. Change of registration in the registration book of narcotic dealers, reissuance of license, return of license and other necessary matters concerning the licensing of narcotic dealers which are not mentioned in the 5 preceding Articles shall be provided by Ministerial Ordinance.

(2) A person who applied for change in the registration book of narcotic dealers or for reissuance of license of the narcotic dealer shall pay a re-registration fee of 10 yen to the national treasury.

Chapter III. Narcotic Dealers

Art.12. A narcotic dealer shall not purchase or receive narcotics from a person who is not a narcotic dealer; however, this provision shall not be applied in the cases of Art. 17 and para. 3 of Art. 43.

Art.13. When a narcotic dealer sells, gives away, purchases or receives narcotics other than exempt narcotic preparation, from or to another narcotic dealer, he shall deliver a government issued transfer form or receipt to the other party in which he must enter all necessary information, and at the same time place his name

and seal on the form.

(2) A person who has received the transfer form or receipt in accordance with the provision of the preceding paragraph shall keep it during the period of two years.

Art.14. A narcotic dealer shall prepare a book for each business office and enter in it the name and quantity of the narcotics imported, manufactured, compounded, repackaged, received, sold, purchased, administered, dispensed, otherwise distributed, or used for research, the date of import, manufacture, compounding, repackaging, receipt, sale, purchase, administering, dispensing, other distribution for use for research and also the name and address of the person from whom narcotics were purchased or to whom narcotics were sold.

(2) In the hospital or dispensary where there is a narcotic administrator, the said narcotic administrator shall be required to enter in book the name and quantity of narcotics which narcotic practitioners in such institution have administered, dispensed, or otherwise distributed in the said hospital or dispensary, and the date of administering, dispensing or other distribution. In this case, the provision of the preceding paragraph shall not be applied to a narcotic practitioner in such institution.

(3) The book mentioned in paragraph I shall be kept during the course of two years.

Art.15. In case narcotics in the possession of narcotic dealers are lost, stolen or their whereabouts have become unknown or in case accidents provided for by Ministerial Ordinance should happen, the narcotic dealer shall immediately report the name and quantity and other necessary information of the concerned narcotics to the prefectural governor of his place of business.

Art.16. A narcotic dealer shall store narcotics he possesses in a safe place with lock, apart from other medicines.

Art.17. In case the registration of narcotic dealers (excluding a narcotic administrator) is deleted from the registration book of narcotic dealers in accordance with the provisions of Art. 10 or 48, or the license loses its effectiveness thus becoming no longer a narcotic dealer, the former narcotic dealer, the heir, the liquidator or the company established by amalgamation or the company continuing to exist after amalgamation shall submit without delay, to the Minister of Welfare a report of the names and quantities of the narcotics that were in the possession of the concerned narcotic dealer, and transfer the narcotics to a narcotic dealer as approved by the Minister of Welfare; however, this provision shall not be applied in case the concerned heir or company is a narcotic dealer and is specifically authorized by the Minister of Welfare to receive the narcotics.

Art.18. Any person other than a narcotic importer as defined in this law shall not import narcotics.

Art.19. When a narcotic importer wishes to import narcotics, he shall first receive authorization of the Minister of Welfare in regard to the name and quantity of the narcotics to be imported and any other information provided for by Ministerial Ordinance.

Art.20. A narcotic importer shall not sell narcotics to persons other than narcotic manufacturers, narcotic compounders, narcotic repackagers, and narcotic central wholesale dealers.

Art.21. A narcotic importer shall submit a monthly report to the Minister of Welfare on the following matters by the 10th of the following month:

(1) The name and quantity of narcotics on hand at the beginning of the month and the unit weight of container into which narcotics are packed (hereinafter referred to as unit weight of container) and the number of such containers;

(2) The name and quantity of narcotics by number and unit weight of container imported during the month and the date of import;

(3) The name and quantity of narcotics by number and unit weight of container sold during the month, the date of sale and the name, address and registry number of the person to whom narcotics are sold;

(4) The name and quantity of narcotics by number and unit weight of container on hand at the end of the month;

(5) Other information provided for by Ministerial Ordinance.

Art.22. Any person other than a narcotic manufacturer as defined in this law shall not manufacture narcotics.

Art.23. When a narcotic manufacturer wishes to manufacture narcotics, he shall first receive the authorization of the Minister of Welfare for each business office in regard to the name and quantity of narcotics to be manufactured and to the name and quantity of narcotics to be used for manufacture during the period from January to March, April to June, July to September, October to December.

Art.24. A narcotic manufacturer shall not sell narcotics to persons other than narcotic manufacturers, narcotic compounders, narcotic repackagers and narcotic central wholesale dealers.

Art.25. A narcotic manufacturer shall submit a monthly report to the Minister of Welfare on the following matters for each business office by the 10th of the following month:

(1) The name and quantity of narcotics by number and unit weight of container on hand at the beginning of the month;

(2) The name and quantity of narcotics used for manufacture during the month;

(3) The name and quantity of narcotics by number and unit weight of container manufactured during the month;

(4) The name and quantity of narcotics purchased or sold during the month, the date of purchase or sale, and the name of the other party.

(5) The name and quantity of narcotics by number and unit weight of container on hand at the end of the month;

(6) Other information provided for by Ministerial Ordinance.

2. A narcotic manufacturer shall submit a report to the Minister of Welfare on the following matters for each business office within 10 days after the expiration of each period from January to March, April to June, July to September, October to December.

(1) The name and quantity of narcotics used for manufacture;

(2) The name and quantity of narcotics by number and unit weight of container manufactured;

(3) Other information provided for by Ministerial Ordinance.

Art.26. Any person other than a narcotic compounder as defined in this law shall not compound narcotics.

(2) Any person other than a narcotic repackager as defined in this law shall not repackage narcotics.

Art.27. In case a narcotic compounder or narcotic repackager wishes to com-

pound or repackage narcotics, he shall first receive the authorization of the Minister of Welfare for each business office in regard to the name and quantity of narcotics to be compounded or repackaged and to the name and quantity of narcotics to be used for compounding or repackaging during each period from January to March, April to June, July to September, October to December.

Art.28. A narcotic compounder or narcotic repackager shall not sell narcotics to persons other than narcotic central wholesale dealers; however, this provision shall not be applied in case sales are made by the approval of the Minister of Welfare, or in case exempt narcotic preparations are sold to narcotic local wholesale dealers or dealers in exempt narcotic preparations.

Art.29. A narcotic importer, narcotic manufacturer, narcotic compounder, or narcotic repackager shall put the imported, manufactured, compounded or repackaged narcotics into a container sealed with the seal issued by the Government; however, this provision shall not be applied to exempt narcotic preparations.

(2) A narcotic dealer shall not purchase narcotics from another narcotic dealer or sell narcotics to another narcotic dealer unless containers are sealed as provided in paragraph 1 of this Article; however, this provision shall not be applied to exempt narcotic preparations or to specific exceptions as approved by the Minister of Welfare.

Art.30. A narcotic importer, narcotic manufacturer, narcotic compounder, or narcotic repackager shall indicate on the containers or on wrappers of narcotics certain particulars provided for by Ministerial Ordinance.

Art.31. A narcotic compounder or narcotic repackager shall submit a report to the Minister of Welfare on the following matters for each business office by the 10th of each following month:

(1) The name and quantity of narcotics by number and unit weight of container on hand at the beginning of the month;

(2) The name and quantity of narcotics by number and unit weight of container used for compounding or repackaging during the month;

(3) The name and quantity of narcotics by number and unit weight of container compounded or repackaged during the month;

(4) The name and quantity of narcotics by number and unit weight of container purchased or sold during the month, the date of purchase or sale and the name of the other party.

(5) The name and quantity of narcotics by number and unit weight of container on hand at the end of the month;

(6) Other information provided for by Ministerial Ordinance.

2. A narcotic compounder or repackager shall submit a report to the Minister of Welfare on the following matters for each business office within 10 days after the expiration of each period from January to March, April to June, July to September, October to December:

(1) The name and quantity of narcotics by number and unit weight of container used for compounding or repackaging;

(2) The name and quantity of narcotics by number and unit weight of container compounded or repackaged;

(3) Other information provided for by Ministerial Ordinance.

Art.32. A narcotic central wholesale dealer, or a narcotic local wholesale dealer shall not sell the narcotics which were sealed in accordance with the provision of paragraph 1 of Art. 29 but which have a damaged or broken seal, provided

this provision shall not apply when sale of such narcotics is approved by the Minister of Welfare.

Art.33. A narcotic central wholesale dealer shall not sell narcotics to persons other than narcotic local wholesale dealers; however, this provision shall not be applied in case sales are made by the approval of the Minister of Welfare or in case exempt narcotic preparations are sold to dealers in exempt narcotic preparations.

Art.34. A narcotic local wholesale dealer shall not sell narcotics to persons other than a narcotic retail dealer, narcotic practitioner, narcotic administrator, or narcotic research worker having his office within the prefecture where the local wholesale dealer's office is located; however, this provision shall not be applied in case sales are made with the approval of the Minister of Welfare, or in case exempt narcotic preparations are sold to dealers in exempt narcotic preparations.

Art.35. A Narcotic central wholesale dealer or a local wholesale dealer shall submit a monthly report to the Minister of Welfare on the following matters for each business office by the 10th of the following month:

(1) The name and quantity of narcotics by number and unit weight of container on hand at the beginning of the month;

(2) The name and quantity of narcotics by number and unit weight of container purchased or sold during the month, the date of purchase or sale, and the name of the other party.

(3) The name and quantity of narcotics by number and unit weight of container on hand at the end of the month;

(4) Other information provided for by Ministerial Ordinance.

Art.36. A person other than a narcotic retail dealer as defined in this Law shall not sell or give away narcotics prepared according to a narcotic prescription issued by a narcotic practitioner. However, a narcotic practitioner may provide narcotics which he has prepared himself according to his own prescription.

(2) A narcotic retail dealer shall not sell or provide narcotics unless such narcotics are from the original package sealed according to paragraph 1 of Article 29, pursuant to a narcotic prescription issued by a narcotic practitioner.

(3) A narcotic retail dealer shall keep the narcotic prescriptions for two years.

Art.37. A person other than a narcotic practitioner as defined in this Law shall not prescribe narcotics.

Art.38. A narcotic practitioner shall not administer, dispense, prescribe or otherwise distribute narcotics except in the course of his professional practice only and then only to persons other than himself or domestic animals.

(2) A narcotic practitioner shall not administer, dispense or othersise distribute narcotics unless the narcotics are from an original sealed container provided in paragraph 1 of Article 29.

Art.39. A narcotic practitioner shall not administer, dispense, prescribe or otherwise distribute narcotics to a narcotic addict for the purpose of relieving his addiction or of treating his addiction.

Art.40. A narcotic practitioner shall, in issuing a narcotic prescription, enter his name, address, and registry number, the date and the name, address and diagnosis of the patient on the prescription.

Art.41. In case a narcotic practitioner diagnoses a person to be addicted to narcotics he shall immediately report to the governor of the prefecture in which his office is located, the name, address, age and sex of the narcotic addict and the name of the narcotics to which he is addicted.

Art.42. A narcotic practitioner shall make a record in regard to the name, address, age, name of the disease, main symptom of the patient to whom narcotics are administered, dispensed, or otherwise distributed (in case of domestic animal, its species, the name and address of the owner), quantity of narcotics administered, dispensed or otherwise distributed and the date.

(2) A narcotic practitioner shall keep the record mentioned in the preceding paragraph for two years; however, in a hospital or dispensary, in which there is a narcotic administrator, the narcotic administrator is required to keep this record.

Art.43. The establisher of a hospital or dispensary, in which two or more narcotic practitioners are engaged in medical treatment, shall designate a narcotic administrator.

(2) In a hospital or dispensary mentioned in the preceding paragraph no other narcotics shall be dispensed, prescribed or otherwise distributed except those narcotics which are purchased and controlled by the narcotic administrator for such use in the hospital or dispensary.

(3) When the narcotic administrator of a hospital or dispensary no longer is the narcotic administrator of that hospital or dispensary, the former narcotic administrator (in case of death of the narcotic administrator of that hospital or dispensary, the establisher) shall without delay turn over the narcotics that were in the possession of the narcotic administrator to the new successor and report name and quantities of narcotics to the Minister of Welfare; however, in case the establisher cannot designate a narcotic administrator provided in paragraph 1, he shall sell the narcotics that were in the possession of the narcotic administrator to the narcotic dealer approved by the Minister of Welfare.

Art.44. A person other than a narcotic retail dealer in exempt narcotic preparations as defined in this Law, shall not retail exempt narcotic preparations.

Art.45. A retail dealer in exempt narcotic preparations shall not sell exempt narcotic preparations unless the purchaser enters his name and address, the name and quantity of narcotics, the purpose of use, date, and his seal in the account book maintained by the retail dealer in exempt narcotic preparations.

(2) The account book mentioned in the preceding paragraph shall be kept for two years.

Art.46. A person other than a narcotic research worker as defined in this Law shall not use narcotics for the purpose of research.

Art.47. When a narcotic retail dealer, a narcotic practitioner, narcotic administrator, or a narcotic research worker applies for renewal of the expired narcotic dealer license, he shall submit to the Minister of Welfare information on the following matters:

(1) The name and quantity of narcotics by number and unit weight of container on hand on the date of application for the previous license.

(2) The name and quantity of narcotics by number and unit weight of container received, purchased, sold, given away, administered, dispensed, otherwise distributed or used for research, between the date of application for previous license and that of application for renewal.

(3) The name and quantity of narcotics by number and unit weight of container

on hand on the date of application for renewal of license.

2. In the hospital or dispensary where there is a narcotic administrator, the said administrator shall be required to report the above-mentioned information relating to narcotics which narcotic practitioners of such institution have administered, dispensed or otherwise distributed in the said hospital or dispensary. In this case the provision of the preceding paragraph shall not be applied to a narcotic practitioner in such institution.

Chapter IV. Control

Art.48. In case a narcotic dealer has been convicted of a crime in regard of his activities, the Minister of Welfare may delete his registration as a narcotic dealer from the registration book of narcotic dealers.

(2) In case a narcotic dealer has committed a malpractice in regard to his activities, the Minister of Welfare or the prefectural governor may suspend his activities for a certain period.

Art.49. The Minister of Welfare or a prefectural governor may, whenever he deems it necessary, issue necessary orders to narcotic dealers in regard to import, manufacture, compounding, production, purchase, receipt, sale, administering, dispensing, prescribing, other distributions or research of narcotics.

Art.50. The Minister of Welfare may require any narcotic dealer to submit a necessary report relative to his narcotic activities.

Art.51. The Minister of Welfare may take necessary steps to dispose of narcotics possessed, cultivated, imported, manufactured, compounded, produced, purchased, sold, administered, dispensed or otherwise distributed or used for research in violation of this Law.

Art.52. The Minister of Welfare or a prefectural governor may, whenever he deems it specially necessary, have the competent government or prefectural official enter factory, shop, warehouse, drugstore, pharmacy or any other place used to store or process narcotics to investigate the organization, facilities, condition of work, documents and other matters, or take without compensation any necessary amount of narcotics for the purpose of testing.

(2) When a government or prefectural official investigates, enters, or takes away narcotics in accordance with the provision of the preceding paragraph, he shall have an identification card which he shall present on the request of the person concerned.

Art.53. An administrative official in charge of narcotic control while investigating narcotic violations may purchase or receive narcotics from any person in spite of the provisions of this Law if he is authorized to do so by the Minister of Welfare.

Chapter V. Miscellaneous Provisions

Art.54. In this Law the provision of purchase or sale of narcotics shall correspondingly be applied to purchase or sale between the different business offices of the same narcotic dealer.

Art.55. The Minister of Welfare may take necessary steps to dispose of narcotics confiscated under the provisions of the Law upon consulting the Minister of Finance.

Art.56. The Minister of Welfare may issue necessary regulations for the effective enforcement of this Law.

Chapter VI. Penal Provisions

Art.57. A person who has violated the provisions of each paragraph of Article 3, paragraphs 1, 2 or 3 of Article 4, Articles 12, 18, 22, paragraph 1 or 2 of Article 26, paragraph 1 of Article 36, Article 37, paragraph 1 of Article 38, Article 39, 44 or 46 shall be subject to penal servitude not exceeding 5 years or a fine not exceeding 50,000 yen.

(2) In accordance with the circumstances the penalties of the preceding paragraph may be amalgamated.

Art.58. A person falling under either of the following shall be subject to penal servitude not exceeding 3 years or a fine not exceeding 30,000 yen.

(1) A person who has violated the provisions of Article 19, 20, 23, 24, 27, 28, 33, 34, paragraph 2 of Article 36 or paragraph 2 of Article 38.

(2) A narcotic dealer who became the other party of illegal acts described in Article 20, 24, 28 or 34.

2. In accordance with the circumstances, the penalties of the preceding paragraph may be amalgamated.

Art.59. A person falling under either of the following shall be subject to penal servitude not exceeding 1 year or a fine not exceeding 10,000 yen.

(1) A person who has violated the provision of paragraph 2 of Article 7, paragraph 1 or 2 of Article 13, each paragraph of Article 14, Article 16, paragraph 1 or 2 of Article 29, Article 30, paragraph 3 of Article 36, paragraph 1 or 2 of Article 42, paragraph 2 of Article 43 or paragraph 1 or 2 of Article 45.

(2) A person who has made a false statement in transfer form or receipt mentioned in paragraph 1 of Article 13, or in books mentioned in paragraph 1 of Article 14 or in prescription mentioned in Article 40 or in record provided in paragraph 1 of Article 42.

(3) A person who, in violation of the provisions of Articles 17, 21, 25, 31 or 35, paragraph 3 of Article 43, paragraph 1 or 2 of Article 47 or Article 50 has neglected to report or made a false report.

(4) A person who, in violation of the provision of Article 15, has neglected report or made a false report or a person who, in violation of the provision of Article 41, has neglected report.

(5) A person who has engaged in his business during the suspension of his activities mentioned in paragraph 2 of Article 48.

(6) A person who has violated the order mentioned in Article 49.

(7) A person who has evaded, hindered or refused the disposition mentioned in Article 51 or who has evaded, hindered or refused the inspection or seizure by the competent government or prefectural official mentioned in paragraph 1 of Article 52.

(8) A person who, in violation of the provision of Article 17, or paragraph 3 of Article 43, has not transferred narcotics to the person approved by the Minister of Welfare.

2. In accordance with the circumstances the penalties of the preceding paragraph may be amalgamated.

Art.60. A person who has violated the provision of paragraph 4, Article 4 shall be subject to penal servitude of not less than six months or not more than one year.

Art.61. A person falling under either of the following shall be subject to a

fine not exceeding 5,000 yen.

(1) A person who, in violation of the provision of paragraph 2 of Article 10, has neglected report.

(2) A person who, in violation of the provision of paragraph 1 of Article 11, has not returned the license.

(3) A person who has violated the provision of Article 32.

Art.62. A person who attempts to violate each paragraph of Article 3, paragraph 1, 2 or 3 of Article 4, Article 12, 18, 22, paragraph 1 or 2 of Article 26, Article 28, 33, paragraph 1 of Article 36, Article 37, paragraph 1 of Article 38, Article 39, 44 or 46 shall be punished.

Art.63. If any representative of a juridical person, or a proxy, an employee, or other subordinate of a juridical person or a person commits the offence provided in Article 57, 58, 59, 61 or 62 in connection with the business of the said juridical person or the said person, not only the person who committed the offence but also a juridical person or a person shall be subject to the fine provided in above mentioned articles.

Supplementary Provisions

Art.64. This Law shall be in effect on the date of promulgation.

Art.65. The Opium Law (The Law No. 27 issued in 1897), concerning the prohibition of possession and so forth of diacetylmorphine hydrochloride and its preparations and the confiscation of diacetylmorphine hydrochloride and its preparations based on the Imperial Ordinance No. 542 issued in 1945 according to the acceptance of Potsdam Declaration (The Welfare Ministry Ordinance No. 44 issued in 1945), concerning the prohibition of cultivation of narcotic seeds or plants and the prohibition of manufacture, import or export etc. of narcotics based on the Imperial Ordinance No. 542 issued in 1945 according to the acceptance of Potsdam Declaration (The Welfare Ministry Ordinance No. 46 issued in 1945), conc rning the custody, receipt or disposal of the former military narcotics based on the Imperial Ordinance No. 542 issued in 1945 according to the acceptance of Potsdam Declaration (The Welfare Ministry Ordinance No. 8 issued in 1946) and the Narcotic Control Regulation based on the Imperial Ordinance No. 542 issued in 1945 according to the acceptance of Potsdam Declaration (The Welfare Ministry Ordinance No. 25 issued in 1946) shall be nullified.

Art.66. A person who has been registered in the registration book of narcotic dealers in accordance with the provisions of the Narcotic Control Regulation on the date of enforcement of this Law, shall be deemed as registered in accordance with the provisions of this Law.

Art.67. A person who has been authorized to manufacture narcotics in accordance with the provisions of the Welfare Ministry Ordinance No. 46 issued in 1945 on the date of enforcement of this Law shall be deemed as authorized in accordance with the provisions of this Law.

Art.68. A person who has been authorized to compound or produce narcotics in accordance with the provisions of the Narcotic Control Regulation on the date of enforcement of this Law shall be deemed as authorized in accordance with the provisions of this Law.

Art.69. The narcotics sealed in accordance with the provisions of the

Narcotic Control Regulation on the date of enforcement of this Law shall be deemed as the narcotics sealed in accordance with the provision of this Law.

Art.70. A person who has had his narcotic activities suspended in accordance with the provisions of the Narcotic Control Regulation on the date of enforcement of this Law, shall be deemed as having his activities suspended in accordance with the provisions of this Law.

(2) In this case, the period of suspension shall be the same as before.

Art.71. The particulars indicated on the container of narcotics or its wrapper shall be the same as before for the period of one year from the date of enforcement of this Law.

Art.72. In a hospital or dispensary in which two or more narcotic practitioners are engaged in the medical treatment, they may administer, dispense, prescribe or otherwise distribute narcotics as before for the period of two months from the date of enforcement of this Law.

Art.73. The license of narcotic dealers issued under the Narcotic Control Regulation shall be deemed as the license of narcotic dealers provided for by this Law.

Art.74. The Law and Regulations described in Article 65 shall be valid after their abrogation for the application of penal rules for acts violating the provisions of the said law and regulations before their abrogation as provided in this Law.

Art.75. Books, papers or records provided for by the Narcotic Control Regulation shall be deemed as books, records, receipt or transfer forms provided for by this Law.

E/NL.1952/17

The Enforcement Regulation of the Narcotic Control Law

Ministry of Welfare Ordinance No. 26 of 22 July 1948

Art.1. In accordance with the provision of article 1, paragraph 3, of the Narcotic Control Law (hereinafter called the Law), the following substances are designated as narcotics:

(1) 1-methyl-4; phenylpiperidin-4 carboxylate and its salts.

(2) 2-dimethylamino-4.4; diphenyl-heptanone-5 and its salts.

Art.2. A person who applies for a narcotic dealer's license shall submit to the Minister of Welfare an application in which the address of his office, his name (and, if an application is made for a narcotic administrator's license, the name and address of hospital or dispensary where he disposes narcotics), the name of his office and classification of his activities are entered, together with a medical certificate that he is not a narcotic addict (except juridical person), and with the

following papers:

(1) If the applicant is an importer of medicines, manufacturer of medicines or seller of medicines, a copy of his license.

(2) If the applicant is a physician, dentist or veterinary surgeon, a copy of his license.

(3) If the applicant is a pharmacist, a copy of his license or a document confirming the renewal of his pharmacist's license.

(4) If the applicant is a scientific research worker, his cirriculum vitae.

Art.3. Matters to be entered in the registration book of narcotic dealers as provided for by Article 6 of the Law are as follows:

(1) Registry number and the date of registration.

(2) Address of the office, name of the licensee and name of the hospital if such is managed.

(3) Classification of activities.

(4) Reason and date of suspension of license.

(5) Reason and date of reissuance of license.

(6) Reason and date for deletion of registration from the registration book.

Art. 4. In case of paragraph 1 Article 10 the applicant shall submit an application with the reason therefor together with the license, and a report stating the names and quantities of narcotics that are in the possession of the concerned narcotic dealer on the date of application.

(2) In case of paragraph 2 of the same article, a report shall be presented to the Minister of Welfare stating the names and quantities of narcotics that were in the possession of the concerned narcotic dealer at the time of death or dissolution together with the license within one month.

(3) A person who files an application or report as provided for in paragraph 1 or 2 shall submit an application to the Minister of Welfare at the same time stating the name, address and registry number of the narcotic dealer, if any there be, to whom he desires to sell or give away the said narcotics.

(4) Any person who is obligated to sell or give away narcotics according to the provisions of Article 17 or 43 of the Law or any narcotic dealer who has excess or undesired narcotics, may surrender the narcotics to the Minister of Welfare through the prefectural governor if there is no authorized person to whom he can sell or give away the said narcotics.

Art. 5. If the matters in the registration book of narcotic dealers as provided in paragraph 2 of Article 3 above are to be altered, a narcotic dealer shall submit an application for alteration, with the reason therefor together with the license within fifteen days to the Minister of Welfare.

Art. 6. A narcotic dealer, if his license is lost or damaged, shall submit an application for reissuance with the reason therefor within fifteen days to the Minister of Welfare and if the license is damaged shall present the damaged license additionally.

(2) If, after having filed an application for reissuance of a license in accordance with the provision of the preceding paragraph, a narcotic dealer discovers the lost license he shall return the license discovered to the Minister of Welfare within fifteen days.

Art. 7. If the registration of a narcotic dealer has been deleted from the registration book in accordance with the provision of Article 48 of the Law or the license has otherwise lost its validity, a narcotic dealer shall return the license to the Minister of Welfare within fifteen days.

Art. 8. If the activities of a narcotic dealer have been suspended in accordance with the provision of Article 48 of the Law, a narcotic dealer shall return his license to the governor of the prefecture or similar administrative division in which he has his business office within ten days.

(2) After the expiration of the period of suspension as provided in the preceding paragraph, the prefectural governor shall return the license with his seal to the narcotic dealer indicating on the license the reason for and period during which the license was suspended.

Art. 9. The term "accident" as used in Article 15 of the Law shall mean the loss or damage of narcotics by fire or flood or the degeneration of narcotics.

Art.10. In case there is a difference between the amount of narcotics authorized to be manufactured, compounded or repackaged and the amount of narcotics actually manufactured, compounded or repackaged, a narcotic manufacturer, narcotic compounder or narcotic repackager shall describe the reason therefor in the reports required by paragraph 2, Article 25 and paragraph 2, Article 31 of the Law.

Art.11. In case there is a difference between the names and the amount of narcotics or the capacity and the number of the narcotic containers on hand at the beginning of the month and at the end of the month which is not due to import, manufacture, compounding, repackaging, purchase, receipt, sale or giving away of narcotics, a narcotic importer, narcotic manufacturer, narcotic compounder, narcotic repackager, narcotic central wholesale dealer, or narcotic local wholesale dealer shall describe the reason therefor in the reports required by Article 21, paragraph 1, Art. 25, paragraph 1, Art. 31 and Art. 35.

Art.12. The term "particulars" as used in Article 30 of the Law shall mean the following:

(1) A character designating (narcotics). In case of exempt narcotic preparations (exempt narcotics).

(2) Date of manufacturing, compounding or repackaging and the lot number of the narcotics.

(3) If the narcotics are not described in "an official compendium"; the name and quantity of proportion of narcotic ingredients.

Art.13. A narcotic dealer shall obtain the receipt form, transfer form or seal issued by the Government from the Minister of Welfare through the governor of the prefecture or similar administrative division in which he has his business office.

Art.14. The form of transfer and receipt form issued by the Government shall be Appendix Form No. 1, and the form of seal issued by the Government shall be as Appendix Form No. 2.

Art.15. The registration fee or the fee shall be paid with the revenue stamp.

(2) The registration fee or the fee once paid shall not be refunded.

Art.16. A narcotic dealer shall display his license in his business office.

Art.17. A narcotic practitioner shall prepare a narcotic prescription by using pen or hair-pencil.

Art.18. Any application, report, notification, or return of license as provided for in the Law and in this Regulation shall be filed through the governor of

the prefecture or similar administrative division in which a narcotic dealer has his business office.

Supplementary Provisions

Art.19. This Regulation shall be in effect on the date of promulgation.

Art.20. The enforcement regulation of the Opium Law (The Ministry of Home Affairs Ordinance No. 4 issued in June 1919) shall be repealed.

Appendix Form N° 1 --- Narcotic Receipt and Transfer Form

N°

Narcotic receipt form

Date:
Classification:
Registry number:
Address:
Name:

Seal

Seal of the Ministry of Welfare

Item	Unit	Unit Price	Quantity	Total Price

(Issued by Ministry of Welfare)

N°

Narcotic transfer form

Date:
Classification:
Registry number:
Address:
Name:

Seal

Item	Unit	Unit Price	Quantity	Total Price

(Issued by Ministry of Welfare)

24.3 cm long and 16.9 cm broad

Appendix Form N° 2

JAPANESE GOVERNMENT

SEAL CERTIFICATE

WELFARE MINISTRY

Line of frame and ⬭ (narcotics) are printed in red ink.
6.6 cm long and 1.1 cm broad.

The Taima Control Law

Law No. 124, Effective Date 10 July 1948*

Chapter I. General Provisions

Art. 1. The term "Taima" as used in this Law means Taima plants (Cannabis Sativa, L.) and the seeds thereof: the substances which are manufactured or compounded from Taima plants and seeds, but shall not include the mature stalk of such plant, any other substances which were produced from such mature stalk (except the resin), the seeds of such plant which are incapable of germination and the substances which are produced from such seeds.

Art. 2. The term "Taima Dealer" as used in this Law means: Taima producer and Taima research worker.

(2) The term "Taima Producer" as used in this Law means a person licensed by the Minister of Welfare to cultivate Taima plants for the purpose of producing hemp fiber or seeds.

(3) The term "Taima Research Worker" as used in this Law means a person licensed by the Minister of Welfare to cultivate Taima plants or use Taima for the purpose of research.

Art. 3. A person other than a Taima dealer shall not cultivate, possess, purchase, receive, sell, give away Taima or use Taima for the purpose of research.

(2) A person who possesses Taima under authority of this Law shall not use it other than for the purpose for which he is authorized to possess.

Art. 4. No person shall commit the following acts:

1. Export or import of Taima
2. Administering, dispensing or other distribution of medicines which were manufactured or compounded from Taima.

Chapter II. License

Art. 5. Any person who wishes to be a Taima dealer shall first be licensed by the Minister of Welfare in accordance with the provisions of Ministerial Ordinance.

(2) No license of a Taima dealer shall be granted to a person falling under either of the following:

1. A person chronically poisoned by narcotics or Taima.
2. A person who has been subject to penal servitude.
3. An incompetent person, a quasi-incompetent person or a minor.

Art. 6. The Ministry of Welfare shall keep a registration book of Taima dealers, in which matters concerning the license of Taima dealers shall be registered.

(2) Matters to be registered in accordance with the provision of the preceding paragraph shall be provided by Ministerial Ordinance.

Art. 7. When the Minister of Welfare approves a license for a person as a Taima dealer, he shall register the said person in the registration book of Taima dealers and then issue the license.

(2) The license mentioned in above paragraph shall not be transferred or loaned to other persons.

Art. 8. The license of a Taima dealer is effective from the date of issuance

* Note by the Secretariat:
Amended by Law No. 18 of 1950 (E/NL.1950/108)

to December 31st of the same year.

Art. 9. A person who is going to be registered in the registration book of Taima dealers in accordance with the provision of Art. 7 shall pay registration fees to the national treasury according to the classification of the following:

Taima producer	60 yen
Taima research worker	50 yen

Art. 10. When a Taima dealer wishes to apply for cancellation of license, he shall file an application in accordance with the provisions of Ministerial Ordinance.

(2) In case of death or dissolution of a Taima dealer, the heir (the custodian of the property, when the heir is not known, the same hereinafter) or the liquidator shall report the fact in accordance with the provisions of Ministerial Ordinance.

(3) When the Minister of Welfare receives the application mentioned in paragraph 1 or the report mentioned in the preceding paragraph he shall delete the registration of the said person from the registration book of Taima dealers.

(4) In case the license of a Taima dealer is cancelled in accordance with the provision of Article 18 or the license loses its validity, the former Taima dealer shall return the license to the Minister of Welfare.

Art. 11. Change of registration in the registration book of Taima dealers, reissuance of license, return of license and other necessary matters concerning the registration book of Taima dealers and the licensing of Taima dealers which are not mentioned in the five preceding Articles shall be provided by Ministerial Ordinance.

(2) A person who applies for change of registration or reissuance of license shall pay a re-registration fee of 10 yen to the National treasury.

Chapter III. Taima Dealers

Art. 12. When a Taima dealer sells, gives away, purchases or receives Taima from or to another Taima dealer, he shall deliver a transfer form or receipt issued by the government to the other party in which he must enter all necessary information and at the same time place his name and seal on the form.

(2) A person who has received the transfer form or receipt in accordance with the provision of the preceding paragraph shall keep it during the period of two years.

Art. 13. A Taima producer shall not sell or give away Taima to a person who is not a Taima dealer.

Art. 14. A Taima producer shall not remove Taima other than seeds from the field where grown; however, this provision shall not be applied in case removals are made by the approval of the Minister of Welfare.

Art. 15. A Taima producer shall maintain a permanent record of the following matters and shall submit a report to the Minister of Welfare within 10 days after the expiration of each period from January to March, April to June, July to September, October to December:

1. Quantity of Taima seeds capable of germination on hand at the end of the period.
2. Number of plots or fields under cultivation at the end of the period, their location and their area.
3. Maximum number of plots or fields cultivated during the period, their location and their maximum area.
4. Quantity of mature stalks gathered during the period.
5. Quantity yield of hemp fiber or seeds during the period.

6. Quantity of Taima plants or seeds purchased or sold during the period, the date of purchase or sale and the name of the other party.

Art.16. A Taima research worker shall not sell or give away Taima.

Art.17. A Taima research worker shall maintain a permanent record of the following matters and shall submit a report to the Minister of Welfare within 10 days after the expiration of each period from January to March, April to June, July to September, October to December:

1. Quantity of Taima plants or seeds capable of germination on hand at the end of the period.

2. Number of plots or fields under cultivation at the end of the period, their location and their area.

3. Maximum number of plots or fields cultivated during the period, their location and their maximum area.

4. Quantity of Taima plants or seeds used for research during the period.

5. Quantity of Taima plants or seeds purchased during the period, the date of purchase and the name of the other party.

Chapter IV. (Control Supervision)

Art.18. In case a Taima dealer has been convicted of a crime or committed a minor violation of this Law the Minister of Welfare may cancel the license of Taima dealers.

Art.19. The Minister of Welfare or a prefectural governor may, whenever he deems it specially necessary, issue necessary orders to Taima dealers in regard to cultivation of Taima plants, purchase, sale and research of Taima.

Art.20. The Minister of Welfare may take necessary steps to dispose of Taima possessed, cultivated, imported, manufactured, purchased, received, sold, dispensed, administered or used for research in violation of this Law.

(2) The Minister of Welfare shall consult with the Minister of Finance and Minister of Agriculture and Forestry about the above disposition of Taima confiscated under the provisions of the Law.

Art.21. The Minister of Welfare or a prefectural governor may, whenever he deems it specially necessary, have the competent government or prefectural official enter plot or field, warehouse, laboratory, or any other place used to store Taima to investigate documents and other matters or take away without compensation a small amount of Taima necessary for the purpose of testing.

(2) When a government or prefectural official investigates, enters or takes away Taima in accordance with the provision of the preceding paragraph, he shall have an identification card, which he shall present when he is required to do so by the person concerned.

Chapter V. Miscellaneous Provisions

Art.22. The districts and areas for Taima cultivation shall be determined by the Minister of Welfare and the Minister of Agriculture and Forestry.

Art.23. Necessary matters for the effective enforcement of this Law which are not mentioned in this Law shall be provided by Ministerial Ordinance.

Chapter VI. Penal Provisions

Art.24. A person who has violated the provisions of paragraph 1 or 2 of Article 3, Article 4, 13, 14 or 16 shall be subject to penal servitude not exceeding 3 years or a fine not exceeding 30,000 yen.

(2) In accordance with the circumstances the penalties of the preceding paragraph may be amalgamated.

Art.25. A person falling under either of the following shall be subject to penal servitude not exceeding 1 year or a fine not exceeding 10,000 yen.

1. A person who has violated the provisions of paragraph 2 of Article 7 or paragraph 2 of Article 12.
2. A person who has failed to prepare or who has falsely prepared the receipt or transfer form mentioned in paragraph 1 of Article 12 or a person who has not delivered the receipt or transfer form mentioned in paragraph 1 of Article 12.
3. A person who has failed to maintain the record or who has falsely prepared the record mentioned in Article 15 or 17.
4. A person who has failed to report or who has falsely prepared the report mentioned in Article 15 or 17.

(2) In accordance with the circumstances the penalties of the preceding paragraph may be amalgamated.

Art.26. A person falling under either of the following shall be subject to a fine not exceeding 5,000 yen.

1. A person who, in violation of the provision of paragraph 2 of Article 10 has neglected to report.
2. A person who has violated the provision of paragraph 4 of Article 10.
3. A person who has violated the order mentioned in Article 19.
4. A person who has evaded or refused the disposition mentioned in paragraph 1 of Article 20 or who has evaded, hindered or refused the inspection or seizure mentioned in paragraph 1 of Article 21.

Art.27. If any representative of a juridical person or a proxy, an employee or other subordinate of a juridical person or a person commit the offense provided in Article 24 to 26 in connection with the business of the said juridical person or the said person, not only a person who committed the offence but also a juridical person or a person shall be subjected to the fine provided in Article 24 to 26.

Supplementary Provisions

Art.28. This Law shall be in effect on the date of promulgation.

Art.29. The Taima Control Regulation based on the Imperial Ordinance No. 542 issued in 1945 according to the acceptance of Potsdam Declaration (Ministries of Welfare and Agriculture and Forestry Ordinance No. 1 issued in 1947) shall be nullified.

Art.30. A person who has been registered in the registration book of Taima dealers in accordance with the provisions of the Taima Control Regulations on the date of enforcement of this Law, shall be deemed as registered in accordance with the provisions of this Law.

Art.31. The license of marihuana dealers issued under the Taima Control Regu-

lation shall be deemed as the license of Taima dealers provided for by this Law.

Art.32. Forms provided for by the Taima Control Regulation shall be deemed as receipt forms or transfer forms provided for by this Law.

Art.33. Penalties provided for conduct of violation of the Taima Control Regulation, before the promulgation of this Law, shall be the same as before.

E/NL.1952/19

The Enforcement Regulation of the Taima Control Law

Ministries of Welfare and Agriculture and Forestry Ordinance No. 1 of 22 July 1948

Art. 1. A person who applies for a license as a Taima dealer in accordance with the provision of Article 5 of the Taima Control Law (hereinafter called the Law) shall submit an application to the Minister of Welfare, in which the following matters shall be entered:

1. Name and address, and age (except a juridical person) of the applicant.
2. Number of plots or fields, their location and their area.
3. Purpose of research and curriculum vitae (if a Taima research worker).

Art. 2. Matters to be entered in the registration book of Taima dealers in accordance with the provision of Article 6 of the Law are as follows:

1. Registry number and the date of registration.
2. Name, address and age of licensee (omit the age, if a juridical person).
3. Classification: Taima producer or Taima research worker.
4. Number of plots or fields, their location and their area or the purpose of research.
5. Reason and date of reissuance of license.
6. Reason and date of deletion of registration from the registration book.

Art. 3. In case of paragraph 1, Article 10, of the Law the applicant shall submit an application with the reason therefor together with the license.

(2) In case of paragraph 2, Article 10 of the Law the persons described in that paragraph shall submit a report with the reason therefor together with the license within one month.

(3) A person as provided for in paragraph 2, Article 10 of the Law shall submit an application for a license as a Taima dealer, if he desires to grow or possess the said Taima.

Art. 4. If the matters in the registration book of Taima dealers, which are provided for in paragraph 2, Article 2 of the Law, are to be altered, a Taima dealer shall submit an application for such alteration with the reason therefor together

with the license, within fifteen days to the Minister of Welfare.

Art. 5. A Taima dealer, if his license is lost or damaged, shall submit an application for reissuance of the license with the reason therefore within fifteen days to the Minister of Welfare, and if the license is damaged shall present the damaged license additionally.

(2) If the lost license is discovered after the dealer has submitted an application for reissuance in accordance with the provision of the preceding paragraph, the Taima dealer shall return the original license to the Minister of Welfare within fifteen days.

Art. 6. If the license of a Taima dealer has been cancelled in accordance with the provision of Article 18 of the Law or the license has otherwise lost its validity, a Taima dealer shall return the license to the Minister of Welfare within fifteen days.

Art. 7. A Taima dealer shall obtain the receipt form or transfer form issued by the government through the governor of the prefecture or of the similar administrative division in which the dealer resides.

Art. 8. The form of receipt form or transfer form issued by the government shall be as Appendix form No. 1.

Art. 9. The registration fee or the fee shall be paid with the revenue stamp.

(2) The registration fee or the fee once paid shall not be refunded.

Art. 10. Any application, report, notification, or return of license as provided for in the Law and this Regulation shall be filed through the governor of the prefecture or the similar administrative division in which a Taima dealer resides.

Supplementary Provision

This Regulation shall be in effect on the date of promulgation.

NOTE: Promulgated 22 July 1948.

Appendix Form No. 1 --- Taima Receipt and Transfer Form

No.

Taima receipt form

Date:
Classification:
Registry number:
Address:
Name: (SEAL)

Seal of The Ministry of Welfare

Item	Unit	Unit Price	Quantity	Total Price

(Issued by Ministry of Welfare)

No.

Taima transfer form

Date:
Classification:
Registry number:
Address:
Name: (SEAL)

Item	Unit	Unit Price	Quantity	Total Price

(Issued by Ministry Welfare)

Pharmaceutical Affairs Law
Law N° 197

Chapter I. General Rule

Purpose of the Law

Art. 1. The purpose of this Law is to control and regulate pharmaceutical affairs.

Definition

Art. 2. For the purpose of this Law:
The term "poison" or "powerful drug" means any drug which when applied to the body of man or other animals, ingested, inhaled or developed within the body of man or other animals, causes or may cause damage or disturbance to any function of the body of man or other animals because its maximum dose is almost equal to its fatal dose, it has a strong cumulative effect, or it causes an unfavorable reaction in body tissues, and shall be designated as a poison or a powerful drug by the Minister of Welfare.

Chapter III. National Board of Pharmacy

Art. 7. A National Board of Pharmacy shall be organized for the purpose of submitting an original draft to the Minister of Welfare concerning revision of official compendiums and their supplements, for the purpose of conducting National Pharmacist Examinations, and for the purpose of making recommendation to the Minister of Welfare concerning new drugs and other pharmaceutical affairs.

Art. 8. The Minister of Welfare shall appoint the Board of Pharmacy which shall consist of at least 51 members from among presidents and professors of universities, from officials of the Ministries concerned, and from recognized specialists in the practical fields of pharmacy, medicine and veterinary science.
(2) Recommendations made by the National Board of Pharmacy shall be adopted by a majority vote of the Executive Committee, the members of which shall be elected among the members of the National Board of Pharmacy.
(3) Tenure of office for members of the National Board of Pharmacy shall be for a period of two years; an alternate replacing a member whose term of office has not expired shall hold office for the remainder of his predecessor's term. However, the Minister of Welfare shall have authority to dismiss any member of such Board with the approval of the National Board of Pharmacy if such member is found to be physically incapable of performing his duties or to have neglected his duties or to have acted in a manner prejudicial to the interest of the National Board of Pharmacy.

Art. 9. Remuneration and travel expenses for services rendered by members of the National Board of Pharmacy shall be provided by the regulations issued by the Minister of Welfare.

Committees and Special Committees

Art. 10. The National Board of Pharmacy shall have the following committees:
a. National Pharmacist Examination Committee

b. Official Compendium committee
c. New drug committee

(2) The National Board of Pharmacy may set up special committees when necessa

(3) The National Board of Pharmacy shall elect an executive committee to make recommendations to the Minister of Welfare and to conduct other business of the National Board of Pharmacy.

Chapter V. Drugs, Devices and Cosmetics

Manufacture of Drugs

Art.26. Any person who intends to manufacture drugs, devices or cosmetics must obtain from the Minister of Welfare a license for each factory or place of manufacture, upon payment of a fee established by departmental ordinances.

(2) The license mentioned in the preceding paragraph shall become invalid unless it is renewed annually before the thirty-first day of December, upon payment of a fee established by the Minister of Welfare.

(3) A manufacturer of drugs who intends to manufacture drugs which are not included in the official compendiums, or manufacturer of devices who intends to manufacture devices must obtain the approval of the Minister of Welfare for manufacturing each such item.

(4) The Minister of Welfare in issuing the above approval for manufacture of a new drug or of drugs which are not included in the official compendiums shall consider the recommendations made by the National Board of Pharmacy.

Art.27. The manufacturer of drugs shall keep a full-time pharmacist licensed by the Minister of Welfare in each place of manufacture for the purpose of supervision; however, in the case of manufacture of drugs for which the supervision of a full-time pharmacist is not necessary, he may, with the approval of the Minister of Welfare, substitute for such pharmacist a full-time technician.

(2) In spite of the provisions of the preceding paragraph a manufacturer of biological preparations or other preparations designated by the Minister of Welfare shall keep in each place of manufacture after approval of the Minister of Welfare, a full-time medical doctor or a full-time person who has knowledge of bacteriology in order to supervise the manufacture.

Import of drugs

Art.28. The provisions of this Law regarding the manufacture of drugs, devices or cosmetics shall be accordingly applied to the import of drugs, devices or cosmetics.

Sale of drugs

Art.29. Any person who intends to deal in selling drugs must obtain from the urban or prefectural governor a license for every shop, if he is a seller of drugs, or for every business area, if he is a periodical household distributor of drugs, upon payment of a fee established by departmental ordinances. However, this provision does not apply either to a manufacturer who wholesales his manufactured drugs or to an importer who wholesales his imported drugs to a manufacturer or to a seller of drugs nor to a proprietor of a pharmacy who sells drugs.

(2) The above-mentioned license shall become invalid unless it is renewed annually before the thirty-first day of December upon payment of a fee established by the Minister of Welfare.

Handling of Drugs

Art.30. For the purpose of regulating the strength, quality and purity of drugs, the Minister of Welfare shall issue the official Japanese Pharmacopoeia, the National Formulary, and any supplement to either of them, upon receipt of the original draft from the National Board of Pharmacy.

(2) Drugs recognized in the official compendium shall not be sold or otherwise distributed, manufactured, imported, stored or exhibited for the purpose of sale or other distribution, unless the strength, quality, and purity conform with the standard recognized by the official compendium.

Art.31. Drugs which are not included in the official compendiums shall not be sold or otherwise distributed or manufactured, imported, stored or exhibited for the purpose of sale or other distribution, unless they conform to the standard approved by the Minister of Welfare as provided in paragraph 3 of Article 26.

Art.32. All sulfanilamide and its derivatives, penicillin or streptomycin and other anti-biotic preparations, and biological preparations and other preparations designated by the Minister of Welfare shall not be sold or otherwise distributed, or manufactured, imported, stored or exhibited for the purpose of sale or other distribution, unless they conform with the standard of minimum percentage or minimum quantity for unit package or other standards designated by the Minister of Welfare.

(2) The Minister of Welfare shall be authorized, whenever he deems it necessary, to determine by departmental ordinance the method of manufacture and other necessary matters concerning drugs mentioned in the preceding paragraph.

Art.33. Some drugs designated by the Minister of Welfare shall not be sold or otherwise distributed, or stored or exhibited for the purpose of sale or other distribution unless they have been tested and found in conformity with the standard by the person designated by the Minister of Welfare.

Exaggerated advertisement

Art.34. No person shall advertise, describe or otherwise circulate false or exaggerated statements, regarding the name, method of manufacture, effect, efficacy or efficiency of any drugs, devices or cosmetics manufactured or produced under authority of this Law.

(2) Misleading certificates or statements attributed to any doctor, or other person regarding the effect, efficacy or efficiency of drugs, devices or cosmetics shall be construed as falling under paragraph 1 of this Article.

(3) Suggestive statements, diagrams, photographs or other suggestive methods shall not be used in contravention of paragraph 1 of this Article.

(4) The statement or diagrams, which suggest abortion, or obscene statements or diagrams shall not be used in connection with drugs, devices or cosmetics.

Handling of Poison or Powerful Drugs

Art.35. On the label and labeling of a poison, its name in white on the black paper rimmed by white, and the letters of "poison" shall be demonstrated.

(2) On the label and labeling of a powerful drug, its name in red on the white paper rimmed by red, and the letters of "powerful" shall be demonstrated.

Art.36. A manufacturer or importer of drugs shall put a poison or a powerful drug into a sealed container.

(2) A sealed container of poison or powerful drug may be opened and its

content may be sold only by a manufacturer, importer, or seller of drugs who is a pharmacist himself or who employs a pharmacist.

Art.37. A manufacturer, importer or seller of drugs when selling or supplying a poison or a powerful drug shall prepare a written statement in which he shall include the name of the poison or the powerful drug, the amount, purpose of use and date of delivery, together with the name, address and occupation of the purchaser; the latter shall appose his seal or sign the statement. However, this provision does not apply to a pharmacist, proprietor of a pharmacy, manufacturer or seller of drugs, a doctor, dentist or veterinary surgeon to whom a poison or a powerful drug may be sold against presentation of identity papers issued by the appropriate official agency.

(2) The provisions of Article 35 and of the preceding paragraph shall not apply to the sale or distribution of poison or powerful drugs pursuant to the prescription of a doctor, dentist or veterinary surgeon.

(3) The written statement mentioned in paragraph 1 shall be kept for two years from the date of delivery.

Art.38. A poison or a powerful drug shall not be delivered to any person under 14 years of age.

Art.39. A person who deals with poison or powerful drugs professionally shall store or exhibit them separately from other goods.

(2) In such cases the warehouse or show-case of a poison or powerful drug shall be locked.

Misbranded Drugs and Devices

Art.41. A drug or a device shall be deemed to be misbranded:

a. If its labeling is false or misleading in any particular.

b. Unless a container or a package bears on its label (1) the name and place of business (in case of juridical person, the address of its main office) of the manufacturer; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; however, these provisions do not apply to the cases where it is otherwise prescribed by the departmental ordinances.

c. If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein; provided, that the method of packing may be modified with the consent of the Minister of Welfare.

d. If it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2) in case it is fabricated from two or more ingredients the common or usual name of each active ingredient, including the quantity, kind, and proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivatives or preparation of any such substance, contained therein; provided, that to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Minister of Welfare.

e. If any word, statement, or other information required by or under authority of this Law to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and

understood by the ordinary individual under customary conditions of purchase and use.

f. If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha eucaine, barbituric acid, betaeucaine, bromal, carbromal, chloral, coca, cocaine, codeine, morphine, opium, paraldehyde, peyote, or sulphonmethane; or any chemical derivative of, or synthetic substitute for such substance, which derivative or synthetic substitute have been by the Minister of Welfare designated as habit forming, unless its label bears the name, quantity and percentage of such substance or derivative and in juxtaposition therewith the statement "Warning -- May be habit forming".

g. If it consists of any quantity of sulfanilamide and its derivative, penicillin, streptomycin, or any other preparation which the Minister of Welfare shall designate unless its label bears the statement "To be used only pursuant to the prescription or by the direction of a doctor, dentist or a veterinary surgeon".

h. Unless its labeling bears (1) adequate directions for use; and (2) such adequate warning against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or method or duration of administration or application, in such manner and form, as are necessary for the protection of public health; provided that the Minister of Welfare may issue regulations exempting any drug or device from such requirement.

i. If it has been found by the Minister of Welfare to be a drug liable to deterioration unless it is packaged and stored in such form and manner, and its label bears a statement of such precaution, as the Minister of Welfare shall by regulations require as necessary for the protection of the public health.

j. (1) If it is a drug and its container is so made, formed, or filled as to be misleading; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

k. If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling thereof.

Prohibited actions

Art.44. The following acts are hereby prohibited:

e. The sale or other distribution, or the storing or exhibition for the purpose of sale or other distribution of drugs designated by the Minister of Welfare by a seller or drugs who is not a pharmacist and who does not employ a pharmacist.

Disposal of Adulterated Drugs

Art.48. The Minister of Welfare or prefectural governor with regard to misbranded or adulterated drugs, devices or cosmetics may make the owner or holder of the said articles, abandon or dispose of them, or cause them to be treated in such way that they are no longer a danger to public health; or the Minister of Welfare or prefectural governor can dispose of them himself, or may take other necessary action.

Inspection

Art.49. The Minister of Welfare or the prefectural governor may, when he deems necessary, demand a special report from a proprietor of a pharmacy, an establisher of hospital or clinic, a manufacturer or an importer of drugs, devices, or cosmetics, or a seller of drugs; or may direct the competent officials to inspect a pharmacy, hospital, clinic, factory, shop, office or other places used for storage of drugs, devices, or cosmetics for the purpose of sale or other distribution, and to examine any construction, installation, raw materials, ingredients and other things used to prepare or store drugs, devices or cosmetics for the purpose of sale or other distribution, and may direct the competent officials to take free of charge

for examination purposes the necessary minimum quantity of drugs, devices, cosmetics, raw materials or ingredients which are suspected to be adulterated or misbranded.

(2) The competent official executing the inspection, examination or obtaining samples mentioned in the preceding paragraph shall have an identification certificate and present it on demand of the person concerned.

Inspector of Pharmaceutical Affairs

Art.50. In order to perform the duties of the competent officials concerning drugs, devices and cosmetics as described in paragraph 1 of the preceding Article, the Inspectors of Pharmaceutical Affairs shall be appointed in each province.

(2) Inspectors of Pharmaceutical Affairs shall be appointed from among official of the national or prefectural government by the Minister of Welfare or prefectural governor.

(3) The necessary provisions concerning work of the inspectors of pharmaceutical affairs shall be issued in addition to the provisions of two preceding paragraphs, by the departmental ordinances.

Chapter VII. Miscellaneous

Enforcement

Art.51. The Minister of Welfare is hereby vested with the authority to promulgate regulations for the enforcement of this Law.

Standard for registration

Art.52. The Minister of Welfare may decide the standard for registration as to the equipment, facilities and qualifications of the proprietor of pharmacy, the manufacturer or seller of drugs, devices or cosmetics, as provided in this Law on the basis of the recommendation made by the National Board of Pharmacy, whenever he deems it necessary from the sanitary point of view.

Open hearing

Art.53. The Minister of Welfare, on his own initiative or upon an application of any interested person or agency connected with pharmaceutical affairs stating reasonable grounds therefor, shall hold a public hearing upon a proposal to issue, amend, or repeal any regulations under authority of this Law.

Art.54. Under this Law, matters concerning drugs and devices which are intended for use exclusively in the diagnosis, cure, mitigation, treatment or prevention of disease in animals other than man or which are intended exclusively to affect the structure or any function of the body of animals other than man shall be under the competence of the Minister of Agriculture & Forestry.

Exemptions from the Law

Art.55. The Minister of Welfare shall be authorized to exempt certain devices from the provisions of this Law by Ministerial regulations.

Chapter VIII. Penalty

Art.56. Any person who has violated the provisions of... para. 1 or 3 of Art. 26 (including the case where these provisions shall be applied in Art. 28), para. 1

of Art. 29, para. 2 of Art. 30, Art. 31, para. 1 of Art. 32, or Art. 33 to Art. 36, 38, ... shall be subjected to a penal servitude not exceeding three years or a fine not exceeding ¥ 30,000.

(2) The penalties of the preceding paragraph may be amalgamated.

Art.57. Any person who has violated the provisions of ... Art. 27 (including the case where these provisions shall be applied in Art. 28), para. 1 or para. 3 of Art. 37, or Art. 39, shall be subject to a penal servitude not exceeding one year or fine not exceeding ¥ 10,000.

(2) The penalties of the preceding paragraph may be amalgamated.

Art.58. Any person who falls under either of the following items shall be subject to a fine not exceeding ¥ 5,000.

a. A person who has violated the order issued on the basis of the provisions of ... Art. 48.

b. A person who has refused, hindered, or evaded the inspection, examination or obtaining samples free of charge by the competent officials as provided in the provisions of Art. 49.

c. A person who has not reported or reported falsely against the demand for a report by the Minister of Welfare, or the urban or prefectural governor as provided in para. 1 of Art. 49.

Art.59. If any representative of a juridical person or a substitute or employee of a juridical person or a person within the scope of his employment violates the provisions of Art. 56, 57 and 58, not only he is punished, but also the juridical person or person may be subject to a fine according to the provisions of every article as mentioned above.

Supplementary Provisions

Art.60. This Law shall come into effect as on the date of its promulgation.

Art.61. The following Laws and Regulations shall be abolished hereinafter:

a. The Pharmaceutical Affairs Law (Law No. 48, 1943, hereinafter called the former Law.)

b. The Control Law of the Certain Preparations Other Than Medicines (Law No. 232, 1947)

c. The Investigation Committee of Japanese Pharmacopoeia (Imperial Ordinance No. 274, 1935)

d. ....

e. The Control Regulation of Seal and Certification of Test of Medicines and Other Medical Supplies (The Ministry of Welfare Regulation No. 42, 1943)

f. ....

NOTE: Effective 29 July 1948.

Ministry of Welfare Ordinance
No. 37, 15 August 1948

Regulations Concerning The Enforcement
of the Pharmaceutical Affairs Law

Chapter I. Application for Pharmacist License

....

Chapter V. Handling of Drugs, Devices or Cosmetics

Poisons and Powerful Drugs

Art.27. Poisons and powerful drugs provided in the provisions of item (1) of Art. 2 of the Law shall be designated as in Appendix No. 1.

....

Designated Drugs

Art.30. The drugs provided in the provisions of item (e) of Art. 44 of the Law, shall be designated as in Appendix No. 3.

Recording of Drugs Transfer

Art.31. When a proprietor of pharmacy or a seller of drugs delivers, for the purpose of sale or other distribution, such a drug as mentioned in item (f) and (g) of Art. 41 of the Law, in accordance with item (g) of Art. 44 of the Law, he shall keep the record in which is written the name of such drugs, quantity, and date of delivery, name and address of the doctor, dentist or veterinary surgeon who has issued a prescription or who has directed its use, and the name and address of the transferee.

(2) The record as provided in the preceding paragraph shall be kept for two years as from the date of delivery.

....

Appendix #1

Poisons

....

Apomorphine, its salts and their preparations.

....

Morphine and its compounds.
Except: Morphineethylether, codeine, Dihydrocodeine, and their salts.

....

Thebaine and its compounds.

....

Note: Dose signifies pill, tablet, ampoule, capsule, wrapper or other form of dosage.

....

Apomorphine and preparations containing apomorphine.

....

Barbituric acid compounds and their preparations.
Except: Those containing less than 0.5 grams of pyrabital or compounds of barbital and phenacetin.

....

Cannabis and preparations containing cannabis resins.

....

Codeine, Dihydrocodeine, their salts and their preparations.
Except: Those compounds containing less than 0.015 grams of codeine phosphate, sulfate or hydrocodeine salts. Syrups containing less than 0.05 grams of these salts per daily dose.

....

Cotarnine and its salts.

....

Coca leaves and preparations containing Ecgonine and its compounds.

....

Morphine ethylether, its salts and their preparations.
Except: Opium suppositories.

....

Papaverine and its salts.

....

Thebaine, its compounds and their preparations.

....

Appendix #3 (To be sold only by Pharmacists)

....

Barbital
Barbital sodium

....

Phenobarbital
Phenobarbital sodium

....