



LAWS AND REGULATIONS

PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances, the Secretary-General has the honour to communicate the following legislative texts.

SAUDI ARABIA

Communicated by the Government of Saudi Arabia

NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

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KINGDOM OF SAUDI ARABIA
Ministry of Health
Office of the Minister

E/NL.1993/57

Ministerial Decision No. 382/24

Date: 16/6/1409 A.H.

The Minister of Health,

After perusal of Decree No. 1789 of 27/9/1394 A.H., issued by the Council of Ministers, approved by His Royal Majesty, in memorandum 32633/3/M of 23/10/1394 A.H. from the Cabinet of the Prime Minister, on the inclusion of substances and preparations listed in Ministry of Health Circular No. 243/1433/27 of 13/5/1392 A.H. in the offences and penalties contained in Council of Ministers Decree No. 11 of 1/2/1374 A.H. on penalties in respect of narcotic drugs;

After perusal of memorandum BMH/163 of 1/2/1409 A.H. from H.E. the Minister of the Interior on the observation that certain users of and addicts to narcotic drugs obtain medicinal drugs legally through certain physicians;

In view of information reaching the Ministry on certain abuses in the prescription, dispensing and use of psychotropic substances, including tranquillizers, hypnotics and stimulants, and the resultant need to review and update the above-mentioned Ministry of Health Circular No. 243/1433/27 of 13/5/1392 A.H., and for the exigencies of public welfare;

Decides

First: Psychotropic substances shall be divided into three groups:

1. Group One - Drugs subject to international control contained in the Green List issued by the International Narcotics Control Board in 1987 A.D. and its four Schedules, copies of which are attached^{1/} and any future amendments thereto shall be subject to the following:

(a) Schedule I, which includes hallucinogenic drugs, substances or preparations and all their derivatives: the import, export, trading, possession, distribution and prescription of these shall be totally and strictly prohibited;

(b) Schedules II, III and IV, which include hypnotics, tranquillizers, stimulants and sedatives or their preparations: these shall be treated as narcotics as regards the obtention of an import permit prior to their importation. They shall not be released by Customs except against a release permit issued by the Ministry of Health. Such substances are covered by the provisions concerning offences and penalties contained in the Council of Ministers Decree on penalties in respect of narcotic drugs, if they are used for other than medical purposes.

^{1/} The Green List refers to List of Psychotropic Substances, Annex to the statistical forms published by International Narcotics

2. Group Two - Medicines, drugs, substances or preparations subject to control in the Kingdom, shown in the attached Schedule and any future amendments or additions by the Ministry of Health: these shall be treated in the same manner as Schedules II, III and IV of Group One above.

3. Group Three - Psychotropic medicines or drugs or other psychotropic preparations which are not included in the lists of Groups One and Two: these are to be treated in the same manner as medicines not subject to control as regards import, distribution and dispensing. They shall, however, be treated in the same manner as psychotropic drugs subject to control as regards prescription.

Second: Psychotropic substances may be prescribed only for legal curative purposes by physicians licensed to do so, in accordance with the following:

1. General practitioners in the government or the private sector may not prescribe psychotropic substances except in emergency cases which cannot be delayed. After the emergency intervention they must refer the patient to the specialized curative institution for continuation of treatment.

2. The prescription of psychotropic substances shall be restricted to physicians specialized in psychiatry. Physicians in other medical specializations may prescribe such substances only in certain cases, within the domain of their specialization, if so required by the particular cases for a strictly limited period. Should the physician determine that the patient's need for a psychotropic substance is due to his psychiatric condition, or if his condition is caused by psychiatric factors, he must refer him to the nearest psychiatrist.

3. All physicians are prohibited from prescribing for themselves any psychotropic substances for their personal use. When necessary, a physician should consult a specialist in psychiatry.

Third: The form, a model of which is attached, must be used for prescriptions for psychotropic substances. It must be composed of a pink original and three carbon copies in different colours, the latter bearing in bold print the words "Not valid for dispensing". Each prescription must be for one drug only and in a quantity scientifically acceptable for the treatment of the case involved. It must not exceed the quantity actually needed for treatment and must not exceed a period of two weeks for drugs in Group One (Schedules II, III and IV), and drugs in Group Two; and one and a half months for other psychotropic substances.

Fourth: The following must be observed when dispensing psychotropic substances:

1. Prescriptions for psychotropic substances must not be dispensed after seven days from the date on which they were issued.

2. A psychotropic substance may be delivered only to the person for whom it is prescribed or to his guardian, after having ascertained his identity and that he is indeed the person in question.

3. It is strictly prohibited to bring psychotropic substances from abroad into the Kingdom for personal use, even if they have been dispensed against a medical prescription issued outside the Kingdom, unless authorization is first obtained from the Ministry of Health.

4. A government pharmacy may not dispense a prescription for a psychotropic substance unless it was issued by a physician of the medical establishment to which the pharmacy is affiliated.

5. Prescriptions issued in one region may not be dispensed in another one. When the required treatment is unavailable in a particular region, the curative establishment must refer the patient to the nearest establishment where it is available.

6. The original of the prescription is to be retained by the pharmacy. The patient is to be given one copy for follow-up; the second copy is to be kept in the patient's file; and the third and last copy is to remain in the prescriptions book. The original and the patient's copy are to be stamped with the seal of the pharmacy after the prescription has been dispensed. The name and address of the pharmacy are to be indicated clearly, as well as the licence number, the date of dispensing and the word "Dispensed".

Fifth: Psychotropic substances may not be advertised in the information media. The distribution of samples of psychotropic substances, for any purpose whatsoever, shall be prohibited. Pharmaceutical companies may submit a request to the Ministry for permission to give lectures or to hold seminars to promote their products.

Sixth: The Directorates of Health Affairs must establish specialized panels to undertake periodic inspections and to make physical inventories of the contents of government and private depots and pharmacies which contain psychotropic substances, and must submit a copy of their reports for follow-up to the Directorate-General for Mental and Social Health at the Ministry.

Seventh: The Directorate of Health Affairs in the regions must establish the number of private pharmacies authorized to trade in psychotropic substances in their respective regions. No other pharmacy shall be permitted to trade in such substances, and sales shall be restricted to individual prescriptions only. Private dispensaries and clinics may not possess psychotropic substances. Private hospitals may keep some essential psychotropic substances. They must submit a supply request to the Ministry, and purchase such substances directly from their agent after the request has been authorized.

Eighth: Psychotropic substances may not be requested on the basis of an individual opinion. Each curative establishment shall establish a Drugs Committee to study and prepare supply requests for psychotropic substances. The Directorate-General for Medical Supplies and the Directorate-General for Medical Licences and Pharmaceutical Affairs shall submit such requests to the Directorate-General for Mental and Social Health for approval.

Ninth: All government and private medical establishments shall submit a report on their remaining stocks of psychotropic substances which cannot be consumed within the last six months of their validity to the Directorate-General for Medical Supplies and the Directorate-General for Medical Licences and Pharmaceutical Affairs, to determine the possibility of using them in other institutions. Psychotropic substances may not be destroyed except after authorization by the Directorate-General for Mental and Social Health.

Tenth: In the event of loss of or deficit in psychotropic substances, the following procedures shall be followed:

1. The custodian shall immediately notify the person responsible for the establishment, who shall impound the stock and form a committee to undertake a physical inventory and a preliminary investigation. He shall notify the competent security agency if it appears that the reason is a deliberate error by any of the personnel employed in that location.
2. The competent security agency shall be immediately notified if there is evidence of trespassing or burglary.
3. If a patient repeatedly loses psychotropic substances and there is evidence of mala fide in disposal or use, the curative establishment shall notify the competent security agency to investigate the matter.
4. In all cases, the Directorate of Health Affairs in the region must be notified, as well as the Directorate-General for Mental and Social Health. They must be provided with a copy of the minutes of the inquiry and the letter of notification.

Eleventh: The procedures established by the Ministry for the import and release of psychotropic substances, their movement, registration and the rules for their storage must be strictly observed.

Twelfth: The Ministry of Health will monitor the implementation of this Decree in coordination with the Ministry of the Interior. The maximum penalties provided for in the regulations governing the practice of medicine and dentistry, the regulations governing private medical establishments, the regulations governing the practice of the profession of pharmacist and other related regulations will be applied.

Thirteenth: This Decree supersedes all other previous decrees and instructions contradictory to it.

Fourteenth: This Decree shall be effective from the date of its issuance.

(Signed) Faisal al-Hujailan
Minister of Health

E/NL.1993/58

Decree No. 11 of 1/2/1374 A.H.

The Council of Ministers has examined the attached document issued by the Shura Council (Consultative Council) in its decision No. 200 of 21/12/1373 A.H., concerning the penalties proposed by the Director of Public Security for smugglers and users of narcotic substances, and the amendments introduced by the Shura Council in this regard. It has been decided by absolute majority to approve the penalties decided by the Shura Council in its above-mentioned decision, as follows:

Penalties for smuggling of, trafficking in and use of narcotic substances:

1. The following penalties shall be imposed on any person convicted by the competent courts of having smuggled narcotic substances into the Kingdom, directly or indirectly:

- (1) Imprisonment for a term of 15 years;
- (2) Confiscation and destruction of the smuggled substances;
- (3) A fine of 20,000 Saudi Arabian riyals;
- (4) Following the execution of the penalties provided for in the three preceding paragraphs, the penalty of prevention from travel outside the Kingdom shall also be imposed and the person concerned shall be kept under constant surveillance within the Kingdom if he is a Saudi citizen, or shall be deported from the Kingdom and prevented from entering it if he is a foreign national. His photograph shall be circulated to the ports and border guards and to representations abroad.

2. The following penalties shall be imposed on any person convicted by the competent courts of having participated in the smuggling of narcotic substances or facilitating their entry into the Kingdom:

- (1) Imprisonment for a term of seven years;
- (2) Dismissal if he is a functionary.

3. Any person other than pharmacists licensed to trade in narcotic substances who is convicted of having been in possession of any narcotic substances or having acted as an intermediary in their distribution by sale, dispatch, donation or transportation from one place to another shall be sentenced to imprisonment for a term of five years and to payment of a fine of 10,000 riyals.

4. Any person convicted by the competent courts of having used any narcotic substances shall be punished as follows:

- (a) He shall be subject to imprisonment for a term of two years;
- (b) Punishment shall be at the discretion of the Shari'a (Islamic Law) Judge;
- (c) After execution of the provisions of (a) and (b) above, the additional penalty of deportation from the country shall also be applied in the case of foreigners.

5. These penalties shall be appended to Chapter Three of the Regulations on the Prohibition of Trafficking in Narcotic Substances. Articles 3 and 4 shall replace paragraph 5 of article 24, and the two paragraphs appended to them shall replace article 25 of the Regulations.

6. The provisions of these articles shall come into force from the date of the ratification of this decision and its publication. They shall not be

[....]