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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.*

NICARAGUA

Communicated by the Government of Nicaragua

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 [...].

NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES AND OTHER
CONTROLLED SUBSTANCES ACT, 1994

(LAW No. 177 OF 27 MAY 1994)

Law No. 177 of 27 May 1994

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA

Gives notice to the Nicaraguan people that:

THE NATIONAL ASSEMBLY OF THE REPUBLIC OF NICARAGUA,

In exercise of its powers,

HAS PROMULGATED

The following

**NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES
AND OTHER CONTROLLED SUBSTANCES ACT**

CHAPTER I

GENERAL PRINCIPLES

Article 1. The present Law regulates the State's function of preventing, investigating, controlling and monitoring all activities relating to the cultivation, production, manufacture, use, possession, transport and marketing of narcotic drugs, psychotropic substances, inhalants and pharmaceuticals of any kind capable of producing physical or psychological dependence, and having stimulating, depressive, narcotic or hallucinogenic effects, which are included in the international conventions adopted by Nicaragua or in any other related legal instrument adopted in the future, and any which are included in the lists prepared and updated by the Ministry of Health and published in the official gazette *La Gaceta*.

Article 2. The present Law also regulates the control and monitoring of activities relating to the production and marketing of substances and materials involved in the manufacture and production of the substances specified in the preceding article and of activities serving to conceal or disguise the origin of income and acquisition of property of any kind derived from such unlawful activities or from those specified in the preceding article.

Article 3. The present Law further regulates the organization, public activity and participation of non-governmental organizations in connection with the protection and education of society in general regarding the effects of consumption of the substances specified in article 1, and also the treatment, rehabilitation and social reintegration of persons dependent on such substances.

Article 4. The terms appearing in this Law shall be understood to be employed in their normal meaning, as established in the related international conventions or agreements ratified by Nicaragua.

Other substances having the effects of psychotropic substances or narcotic drugs may be added to the lists of controlled substances by the Ministry of Health.

Article 5. For the purposes of the present Law, the following definitions shall be adopted:

- (a) **Drug:** Any substance which, when introduced into the living organism, modifies its physiological functions, with stimulating, depressive, narcotic or hallucinogenic effects;
- (b) **Narcotic drug:** A drug not prescribed medically which acts on the central nervous system, producing dependence;
- (c) **Medicinal product:** Any drug produced or manufactured in a known pharmaceutical form which is used for the prevention, treatment or cure of diseases or to correct their after-effects;
- (ch) **Psychotropic substance:** A drug which acts on the central nervous system, producing psychoneurophysiological effects;
- (d) **Abuse:** The self-administered use of a drug for non-medical purposes;
- (e) **Psychological dependence:** The repeated need to take drugs, irrespective of the consequences thereof;
- (f) **Addiction or drug addiction:** Dependence on a drug, with the manifestation of physical symptoms if its use is discontinued;
- (g) **Therapeutic dose:** The quantity of a drug or medicinal product prescribed by a physician in accordance with the clinical needs of his patient;
- (h) **Minimum dose:** The quantity of narcotic drugs, not exceeding one gram in the case of cocaine or crack or 10 grams in the case of marijuana, carried or kept by a person for his own use for medical reasons;
- (i) **Precursor:** The substance or mixture of substances from which addictive drugs are produced, synthesized or obtained.

Article 6. The production, manufacture, exportation, importation, distribution, marketing, use and possession of drugs and narcotic drugs, and also the cultivation of plants from which they are produced, shall be limited to the medical and scientific purposes provided for in the international conventions, and laws and regulations of the Republic.

CHAPTER II

NATIONAL DRUG CONTROL BOARD

Article 7. The National Drug Control Board shall be established as an advisory body to the Government on the formulation, development and evaluation of related national policies of a comprehensive nature.

It shall enjoy functional autonomy and financially shall be attached to the Ministry of the Interior.

Article 8. The National Drug Control Board shall be composed of:

- (a) The Minister of the Interior, failing whom, the Deputy Minister, who shall preside over the Board;
- (b) The Minister of Health, failing whom, the Deputy Minister;
- (c) The Minister of Education, failing whom, the Deputy Minister;
- (ch) The Minister responsible for the Nicaraguan Institute of Social Security and Welfare (INSSBI), failing whom, the Deputy Minister;
- (d) The Chief Public Prosecutor, failing whom, the Assistant Chief;
- (e) The National Police Chief;
- (f) The President of the Anti-Drug Commission of the National Assembly;
- (g) A representative of the lawfully constituted youth organizations, appointed by mutual agreement by those organizations.

Article 9. The duties of the National Drug Control Board shall be as follows:

- (a) To formulate, for adoption by the Executive, the policies, plans and programmes to be pursued by public and private agencies in the fight against the illicit production, marketing and use of addictive drugs;
- (b) To establish the necessary rules of internal organization for the due performance of its duties, and to submit proposals to the Government concerning those rules of internal organization whose establishment comes within its purview;
- (c) To obtain and process information on and the results of supervision undertaken by public and private agencies in the prevention of drug addiction and the rehabilitation of drug addicts;
- (ch) To promote the exchange of experiences with regional and international organizations and to foster cooperation with them, with a view to effectively combating drug addiction and its manifestations;
- (d) To recommend the signing or ratification of related bilateral or multilateral agreements, conventions or treaties with other countries and duly follow them up, and to recommend amendments to domestic law;
- (e) To establish a related documentation centre, for which purpose it shall develop the necessary coordination with the respective agencies with data banks at the national and international levels;
- (f) To set up and organize permanent or temporary working groups or committees for the discussion of related special topics, with national and foreign technicians engaged for such purpose;
- (g) To obtain from the police, judges and Ministry of Finance, as well as from any authority, a quarterly report on property seized under this Law and on the allocation of such property.

Article 10. The National Drug Control Board shall have an executive secretariat, whose staff shall be appointed by the Board. No member of the National Board may form part of the executive secretariat.

Article 11. The duties of the executive secretariat of the Board shall be as follows:

(a) To implement the decisions of the Board, and to undertake studies and work entrusted to it by the Board;

(b) To formulate such plans, projects and programmes as it considers necessary for the performance of the functions of the Board and to present them to the Board for consideration;

(c) To serve as the Board's link with its standing commissions and the national and international, governmental and private agencies engaged in research, prevention, investigation, control, suppression and rehabilitation in regard to addictive drugs, and also with the population in general.

Article 12. The Board may appoint such standing commissions as it considers necessary and shall lay down their rules of procedure.

Article 13. The Board may summon to its meetings any officials whom it deems appropriate to hear, and the authorities shall afford it such cooperation as it may request for the fulfilment of its duties.

Article 14. The National Board shall appoint a National Technical Advisory Committee on Drug Dependence Prevention, which shall be made up of:

(a) A specialist in criminology;

(b) A specialist in educational psychology;

(c) A specialist in social work;

(ch) A specialist in sociology;

(d) A specialist in psychiatry;

(e) A specialist in social communication;

(f) A lawyer who is an expert in legislation on the subject-matter of the present Law.

Article 15. The duties of the National Technical Advisory Committee on Drug Dependence Prevention shall be as follows:

(a) To advise the National Narcotics Board on the execution of plans, projects and programmes relating to the education, care and rehabilitation of drug-dependent persons;

(b) To establish the guiding criteria regarding information, publicity and campaigns, to combat drug trafficking and dependence;

(c) To design and evaluate prevention and rehabilitation programmes;

(ch) To provide advisory services to governmental and private agencies concerned with programmes for the prevention of drug addiction and for the education, counselling and rehabilitation of drug addicts;

(d) To promote research on narcotic drugs, psychotropic substances and other controlled substances;

(e) To seek the cooperation of other specialists where programmes and campaigns that are organized so require;

(f) Any other duties assigned to it by the National Drug Control Board.

Article 16. The National Board may procure and receive donations from private individuals and public or private institutions, whether national or foreign.

Article 17. A departmental drug control board shall operate in each of the departments, and shall be made up of:

(a) A representative of the Ministry of the Interior, who shall preside over the board;

(b) A representative of the Ministry of Health;

(c) A representative of the Ministry of Education;

(ch) The Departmental Public Prosecutor, or his delegated representative;

(d) The Departmental Police Chief or his delegated representative;

(e) A representative of the lawfully constituted non-governmental organizations, elected from among those operating within the department;

(f) A representative of the lawfully constituted youth organizations, selected from among those operating within the department;

(g) A councillor delegated by the municipal council of the chief town of the department concerned.

These persons or their delegated representatives shall have decision-making authority.

Article 18. The provisions set out in the preceding article shall apply in the autonomous regions of the north and south Atlantic. In those regions, a member of the corresponding Autonomous Regional Council shall form part of the regional drug control board.

Article 19. The functions of the departmental boards shall be the same as those of the National Board, with regard to the department or region concerned.

CHAPTER III

COMMISSION ON CONTROLLING BANK AND FINANCIAL OPERATIONS AND OTHER RELATED ACTIVITIES INVOLVING MONEY LAUNDERING

Article 20. The Commission on Controlling Bank and Financial Operations and other related activities involving money laundering shall be established, as a technical body of the National Drug Control Board, for the purpose of preventing unlawful economic activities connected with drug trafficking from being carried out in Nicaragua.

Article 21. The Commission shall operate within the Banking and Other Financial Institutions Supervisory Authority and shall, for the performance of its functions, receive logistic support from that institution.

Article 22. The object of the Commission shall be to study the different techniques and methods employed for the purpose of carrying out banking, financial and related operations which are instrumental in the laundering of money derived from the unlawful activities coming under the present Law.

Article 23. The Commission shall be appointed by the National Drug Control Board and shall be made up of a specialist in banking law, an auditor, a market analyst, a member of the Economic Crime Division of the National Police and a member of the Department of Public Prosecution.

Article 24. The functions of the Commission on Controlling Bank and Financial Operations and other related activities involving money laundering shall be as follows:

(a) To ensure that foreign investments come from economic resources of legitimate origin, in order to prevent the entry of money derived from drug trafficking or other related activities and intended for circulation within the national financial system for the purpose of being laundered;

(b) To detect any activity relating to the laundering of money derived from drug trafficking and thereby entailing a risk to the national banking and financial system and also to the security of the nation with regard to its institutional stability and public order;

(c) To analyse possible methods and techniques which may be used in money laundering and its numerous forms;

(ch) To submit proposals to the competent authorities concerning measures to be implemented for the purpose of detecting, preventing and penalizing the techniques and methods used in the commission of the unlawful acts coming under the present Law;

(d) To propose and recommend such legislative reforms as are considered necessary in order to deal with those activities;

(e) To coordinate action with other agencies with a view to achieving the proposed aims, and to provide all the cooperation and information requested of it by the National Narcotics, Psychotropic Substances and Other Controlled Substances Board, the Department of Public Prosecution and the judicial or police authorities.

Article 25. For the attainment of its objectives as specified in this chapter, the Banca Estatal y Privada shall report to the Commission the entry of foreign currency or precious metals whose amount exceeds US\$10,000.00 relating to transactions carried out by its customers.

Article 26. It shall be possible, by means of a court order, to lift bank and tax secrecy in regard to persons who are being investigated in connection with any of the offences under this Law.

CHAPTER IV

PREVENTION, TREATMENT, REHABILITATION AND EDUCATIONAL PROGRAMMES

Article 27. Every campaign aimed at preventing the cultivation, production and consumption of or trafficking in narcotic drugs, psychotropic substances and other controlled substances shall be approved and supervised by the National Drug Control Board.

Article 28. The press and radio broadcasting and television stations shall cooperate, according to their means, with the National Board in the publicizing of the different programmes for the prevention of trafficking in and unlawful use of controlled narcotic drugs and psychotropic substances.

Article 29. Primary, technical and secondary education programmes and teacher training and informal education programmes shall include information on the risks of drug addiction in the form laid down by the Ministry of Education in coordination with the National Drug Control Board. The universities shall also do so, in accordance with their own laws and regulations.

Article 30. The Ministry of Health shall include in its programmes the provision of treatment and rehabilitation services for drug addicts and shall, on a quarterly basis, send to the National Drug Control Board statistical reports on the number of persons who have received attention at its rehabilitation centres throughout the country.

Article 31. The setting up and operation of every governmental or private establishment intended for the preventive care, treatment or rehabilitation of drug addicts shall be authorized by the Ministry of Health and shall be subject to inspection by it.

Article 32. It shall be the duty of the State to provide adequate economic resources for the preventive care, treatment, rehabilitation, education and social reintegration of persons suffering from the effects of using narcotic drugs, psychotropic substances or other controlled substances. This duty shall be discharged by the Ministry of Health and the Nicaraguan Institute of Social Security and Welfare through the care centres to be established to that end. Also, the State shall provide financial support for any private agencies which are organized for these same purposes.

Article 33. The Ministry of Health, the universities and other governmental and private institutions shall, in coordination with the National Drug Control Board and the Nicaraguan Institute of Social Security and Welfare, undertake epidemiological research, investigation, medical, scientific and technical training programmes concerning the phenomenon of addiction to narcotic drugs, psychotropic substances and other controlled substances, with a view to proposing solutions which may be introduced and developed.

Article 34. In connection with the present Law, the Ministry of Health shall have the following functions:

(a) To establish, in accordance with the international conventions, the list of addictive drugs and medicinal products and precursors which are to be subject to special control;

(b) To authorize the importation and sale of addictive drugs and medicinal products, and of precursors used in their manufacture, fully in conformity with health requirements, with the lists prepared by the Ministry itself and with the provisions of the present Law;

(c) To register and control the drugs and medicinal products which are manufactured in the country;

(ch) To regulate and control the manufacture, production, processing, acquisition, distribution, sale, consumption and use of addictive drugs, medicinal products and precursors.

Article 35. The State shall promote sporting and recreational activities, especially for children and young people, as an effective method in preventing drug addiction, and the necessary items shall be included in the national budget for such purpose.

CHAPTER V

PROHIBITIONS AND CONTROLS

Article 36. Unless express authorization is granted by the Ministry of Health, it shall be prohibited throughout the national territory to engage in any activity relating to the sowing, growing, production, mowing, harvesting or cultivation of plants of the genus *Papaver somniferum* L. (opium poppy) and its variety Album (*Papaveraceae*), the genus *Cannabis sativa* (marijuana, Indian variety and American variety), the genus *Erythroxylum novogranatense morris* (coca bush) and its varieties (*Erythroxylaceae*), of hallucinogenic plants such as the peyote (*Psilocybe mexicana*), and all other plants or parts of plants having the characteristics of controlled substances.

The possession, keeping or storage of germinative seeds of the aforementioned plants shall also be prohibited unless express authorization is issued by the Ministry of Health.

Article 37. The production, extraction, manufacture, processing, synthesis or preparation of dosage forms of the substances referred to in this Law and of any substances specified by the Ministry of Health shall be prohibited throughout the national territory, unless express authorization is issued by that Ministry.

Article 38. No individual or corporate entity may engage in the extraction, manufacture, processing, packaging, sale, marketing, importation, exportation or storage of precursors or chemicals which may be used for the production of the substances referred to in the present Law without possessing the corresponding authorization or licence duly issued by the Ministry of Health.

Article 39. Any medicinal products which contain controlled substances may only be sold to the public on the basis of a medical prescription, on an official form, issued and controlled by the Ministry of Health, in accordance with the list drawn up by that Ministry.

Article 40. Any laboratories which use addictive substances or medicinal products in the production of drugs shall furnish periodic reports to the Ministry of Health on the quantities of raw materials and precursors received, of the medicinal products manufactured and sales carried out.

Article 41. Every activity relating to the importation or exportation of controlled substances, medicinal products which contain them, precursors or chemicals shall be examined by the General Customs Directorate, subject to being duly granted judicial authorization.

Article 42. The National Police may take samples of controlled substances, medicinal products which contain them, precursors or chemicals, in the quantities necessary for investigation purposes, without the prior authorization of the owner or consignee.

CHAPTER VI

PROCEDURE FOR THE DESTRUCTION OF SEIZED PLANTATIONS AND SUBSTANCES

Article 43. The Ministry of Health shall, with the Ministry of Agriculture and Livestock and the Ministry of Natural Resources and the Environment, establish the methods to be followed and the substances to be used for the destruction of illicit plantations or crops, with a view to preserving the ecological balance.

Article 44. On completion of the judicial inspection, the police authorities shall, in the presence of the judge, undertake the destruction of plantations of marijuana, coca bushes, opium poppies, and any other plants from which drugs can be produced, by means of the following procedure:

- (a) The plantation shall be identified by experts, with the use of an appropriate technique;
- (b) The cultivated site shall be identified by its position, boundaries and the area of the plantation;
- (c) A record shall be made of the names and other personal details of the owner or possessor of the land and holder, and also of the cultivators, workers and any other persons present at the location at the time of the seizure;
- (ch) Sufficient samples of the plants shall be taken for the corresponding expert assessments.

All these details and any other relevant particulars shall be noted in a record, which shall be signed by the officials who took part and by the owner, possessor, holder or cultivator of the site or, failing them, any person found at the site. A representative of the Department of Public Prosecution shall take part in this procedure, whereupon the plantation shall be destroyed.

Article 45. In cases where the National Police seizes marijuana, cocaine, morphine, heroin or any other drug, it shall immediately carry out the corresponding technical identification of the substance, specify its quantity and weight, note the names and other personal details of any individuals who appear to be involved in the act, and describe any other circumstance useful for the investigation. A record of all the foregoing shall be made in a document signed by the officials who took part in the procedure and by the person or persons in whose possession the drug or substance was found.

Article 46. The police officials who carried out the procedure referred to in the preceding article shall report all the measures taken to the competent judge, who shall conduct an examination at the same or the subsequent hearing.

CHAPTER VII

OFFENCES AND PENALTIES

Article 47. Any persons who perform the unlawful acts set out in the present chapter shall be guilty of the offence of illegal trafficking in narcotic drugs, psychotropic substances or controlled substances.

Article 48. Any persons who without being lawfully authorized sow, cultivate or harvest seeds or plants from which narcotic drugs, psychotropic substances or other controlled substances can be obtained shall be liable to ordinary imprisonment from three to twelve years and a fine of between three thousand and fifty thousand córdobas.

Article 49. Any persons who without being lawfully authorized extract, produce, manufacture or process narcotic drugs, psychotropic substances or other controlled substances shall be liable to rigorous imprisonment from six to twenty years and a fine of between ten thousand and five hundred thousand córdobas.

Article 50. Any persons who store narcotic drugs, psychotropic substances or other controlled substances without lawful authorization shall be liable to ordinary imprisonment from three to twelve years and a fine of between five thousand and fifty thousand córdobas.

Article 51. Any persons who finance the cultivation, production, manufacture, transport or marketing of narcotic drugs, psychotropic substances or controlled substances, or the seeds or plants from which they are extracted, shall be liable to rigorous imprisonment from six to twenty-five years and a fine of between ten thousand and five hundred thousand córdobas.

Article 52. Any persons who aid or abet the consumption or sale of narcotic drugs, psychotropic substances or other controlled substances or who induce others to do so shall be liable to ordinary imprisonment from one to five years.

Article 53. Any person who without authorization from the Ministry of Health prescribes, supplies, dispenses or administers substances forming the subject of the present Law shall be liable to rigorous imprisonment from three to ten years and specific disqualification for the period of the sentence, according to the severity of the unlawful act committed.

Article 54. Any person lawfully authorized by reason of his profession to sell medicinal products who without the corresponding medical prescription dispenses substances forming the subject of the present Law shall be liable to specific disqualification for a period of one to three years. The same penalty shall be imposed on any medical practitioner who in proven bad faith prescribes, supplies or administers any such substance in a dose greater than that required for the case concerned, or in any dose if the case does not require its use.

A physician treating drug-addicted patients shall enter his prescriptions in the record book, using unambiguous expressions and with numbers written in words. He shall also inform the Ministry of Health of the type of treatment prescribed for each patient.

Article 55. The penalty shall be increased up to twice its amount but without exceeding the maximum penalty:

- (a) If minors are induced or incited to commit offences under this Law;
- (b) If minors are used for the purpose of committing the offence;
- (c) If persons who are mentally disturbed, whether permanently or temporarily, are induced or incited or used to commit the offence;

(ch) If the unlawful act is carried out at educational, social service, cultural, sporting, recreational or vocational centres, or in barracks or prison establishments, or at places less than one hundred yards from the aforementioned locations;

(d) If advantage is taken of the status of a relative in the ascending line or a position of authority over a minor;

(e) If the offender had entered the national territory by deceit or false pretences or without lawful authorization;

(f) If the seized quantity exceeds 10 kilograms in the case of marijuana or hashish, or ½ kilogram in the case of cocaine or methaqualone;

(g) If senior officials of the State authorities or municipalities, autonomous regional councils or police or military authorities are involved in the commission of such offences;

(h) If the offenders belong to a national or international organization whose purpose is to carry out any of the criminal activities coming under the present Law.

Article 56. A person committing any of the unlawful acts under the present Law who proves to be the head of an organization as referred to in (h) of the preceding article, or who, although not the head of that organization, obtains the greatest economic advantage, shall be liable to rigorous imprisonment from sixteen to thirty years and a fine of between two hundred and fifty thousand and five million córdobas.

Article 57. A civil servant, public employee or official responsible for the investigation, trial or custody of persons involved in serious or minor offences under the present Law who arranges for the offender to evade punishment, or for the concealment, alteration or removal of items or substances seized, or facilitates the escape of an arrested, detained or sentenced person, or alters or causes the alteration of the *corpus delicti* shall be liable to ordinary imprisonment from three to twelve years and specific disqualification for the period of the sentence.

Article 58. Once the judgement becomes final, property which has been made the subject of an attachment or distraint order in the proceedings shall be auctioned by the judge trying the criminal case, in accordance with the provisions contained in the Code of Civil Procedure.

The proceeds of the auction sale shall be used first to pay the mortgage creditors or any persons demonstrating a legitimate right, and the fine shall be paid out of the remainder.

Article 59. Where the National Police acts *in flagrante delicto* in a case of illicit drug trafficking committed through the use of privately owned landing strips or airports, it may seize such landing strips or airports, and the licence to operate them shall be cancelled by the competent authority, either temporarily or permanently, according to the extent of their owner's participation in the commission of the offence.

Article 60. Without prejudice to the provisions of the present Law, the laws and regulations governing aviation and runways shall be applicable to all matters relating thereto.

Article 61. Any person who without authorization manufactures, transports, stores or holds in his possession precursors, chemicals, solvents or other substances for the purpose of using them in the processing of narcotic drugs, psychotropic substances or controlled substances shall be liable to ordinary imprisonment from one to five years.

Article 62. A penalty of rigorous imprisonment from three to twenty years and forfeiture of money and property derived from the offence shall be imposed on any person participating in a deed or contract of any kind, whether real or simulated, involving the disposal, investment, pledging, assignment, conversion, transfer, safekeeping or concealment of the nature, origin, location, allocation or movement of income, property, assets, bonds or goods derived from unlawful acts established under this Law or of the economic advantage obtained from such offences, provided that he was aware of their origin and, by those actions, sought to disguise or conceal the origin of the resources or to evade the legal consequences of those actions, irrespective of the place where such unlawful acts were committed.

The same penalty shall be incurred by any person who profited from the offence specified in the preceding provision. If the activities defined as an offence in this article were carried out abroad, the *corpus delicti* may be established by any evidentiary means, provided that the guarantees embodied in domestic law and in the international conventions adopted by Nicaragua on the protection of the rights of the accused are respected.

Article 63. Any persons who without authorization acquire, transfer on whatsoever basis, distribute, sell, barter, dispense, or in any other way market narcotic drugs, psychotropic substances, controlled substances, or seeds or plants from which such substances are extracted or produced, shall be liable to rigorous imprisonment from five to twenty years and a fine of between twenty thousand and five hundred thousand córdobas.

Article 64. Any persons who with full knowledge of the facts supply property of any kind for the purposes of storing, producing, manufacturing or processing narcotic drugs, psychotropic substances or controlled substances or supply means for their transport shall be liable to ordinary imprisonment from three to twelve years, a fine of between five thousand and fifty thousand córdobas and, if applicable, confiscation of the movable property employed.

Any persons who with full knowledge of the facts provide premises of any kind for the purpose of consumption therein of narcotic drugs, psychotropic substances or controlled substances shall be liable to ordinary imprisonment from one to three years, without prejudice to any penalties applicable in respect of other, concurrent offences. In the case of a commercial establishment, such premises shall be immediately closed if it is established that they are habitually used for the aforementioned unlawful purposes.

Article 65. Any persons who without authorization carry out activities involving the importation or exportation of narcotic drugs, psychotropic substances or controlled substances shall be liable to rigorous imprisonment from five to twenty years and a fine of between ten thousand and five hundred thousand córdobas.

Article 66. Any persons who without the corresponding lawful authorization transport, within the national territory or in international transit, narcotic drugs, psychotropic substances or other controlled substances shall be liable to rigorous imprisonment from five to fifteen years and a fine of between ten thousand and one hundred thousand córdobas, in addition to confiscation of the means of transport.

Article 67. The courts shall apply the minimum penalties if the perpetrator of a particular offence or an accomplice or accessory assists the investigations of the case by providing essential details of the punishable act. Such circumstance shall be duly reasoned in the court's verdict.

Article 68. The minimum level of the penalty shall be applied to persons guilty of offences penalized under articles 47, 48, 53, 54, 55, 56, 57, 58 and 59 if they divulge to the authorities the names of any guilty parties not discovered or the plans for the commission of other offences.

CHAPTER VIII

CRIMINAL MISCONDUCT

Article 69. Any person who commits the unlawful acts specified in the present chapter shall be guilty of criminal misconduct in relation to drugs.

Article 70. A person found to be under the influence of drugs shall be immediately examined by the forensic medical officer with a view to ascertaining his condition and to referring him to a public or private rehabilitation establishment. The forensic medical officer shall specify the duration of the medical treatment.

Article 71. The appropriate authority may entrust a drug-addicted person to the care of his family or refer him, under his family's responsibility, to a rehabilitation centre or clinic for appropriate treatment, which shall be continued for the time necessary for his recovery, which shall be certified by the attending physician or therapist concerned. The drug addict's family shall assume responsibility for the fulfilment of its obligations towards him by the payment of a surety, to be fixed by the competent official in accordance with the family members' financial standing.

The physician or therapist shall provide the authority which handled the case with periodic reports on the state of health and rehabilitation of the drug addict.

If his family fails to fulfil the obligations devolving upon it, the surety shall be encashed and the internment of the drug addict shall be enforced.

Article 72. A manufacturer or distributor of patent pharmaceutical products who fails to indicate on their labels the risks of drug dependence which their use entails shall be liable to a fine of between one thousand and ten thousand córdobas.

Article 73. The owners or administrators of pharmacies who hold in stock branded pharmaceuticals containing addictive drugs or medicinal products in an amount exceeding that authorized shall be liable to a fine of between five thousand and fifty thousand córdobas. In the case of a repeated breach, in addition to the imposition of the fine, the operating licence shall be suspended for a period of three to twelve months.

Article 74. The owners or administrators of entities or establishments subject to inspection or supervision under the present Law who object to any such inspection or supervision or fail to afford the necessary cooperation for it to be carried out shall be liable to a fine of between four thousand and forty thousand córdobas and suspension of the operating licence for a period of three to twelve months.

Article 75. The revenue from the fines provided for in the present Law shall be transferred to the Ministry of Health, which, subject to the decision of the National Narcotics, Psychotropic Substances and Other Controlled Substances Board, shall allocate such revenue to the mental health and rehabilitation programmes of the Ministry of Health and to the care and rehabilitation programmes of non-governmental organizations.

Article 76. Any person who without being authorized in accordance with the present Law illegally supplies to a professional or amateur sportsman or sportswoman any addictive drugs or medicinal products or incites him or her to consume them shall be liable to non-commutable light imprisonment from one to two years.

CHAPTER IX

CONFISCATION

Article 77. The competent authority may issue a provisional attachment order or impose any other precautionary measure if it has valid reasons for guaranteeing the allocation of property or proceeds derived from or instrumentalities used in the commission of offences under the present Law, without prejudice to the seizure thereof where applicable.

Article 78. Any movable property used in the commission of offences penalized under the present Law and any substance intended for that purpose, as well as the proceeds of such offences, shall be liable to seizure by the police. In the case of immovable property used for the same purpose, the judicial authority trying the case shall order its attachment and shall appoint as custodian, until the case is ruled on, the official of the Ministry of Finance named by the Minister of Finance. If the verdict is a conviction, the judge shall, in addition to the penalties laid down in chapter VII of this Law, order the confiscation of such immovable property.

Article 79. Any money seized by virtue of the application of this Law shall be deposited by the judge in a special bank account yielding interest, which may in all cases be used in accordance with the provisions contained in article 81.

Article 80. If property recorded in the property registers is the subject of an attachment order, the judge trying the case shall order immediately the making of a precautionary entry in the property registry and shall notify the Ministry of Finance thereof. The Chief Public Prosecutor shall ensure the enforcement of this decision. Commercial public service aircraft, land vehicles and vessels shall be excepted if narcotic drugs, psychotropic substances or other controlled substances are found in baggage or property under the passenger's responsibility.

Article 81. When the judgement becomes final, the judge shall order that the items or assets referred to in the preceding articles be distributed as follows:

- (a) Twenty per cent to the Ministry of Health;
- (b) Twenty per cent to the National Drug Control Board;
- (c) Thirty per cent to the National Police;
- (ch) Thirty per cent to the Judiciary.

Article 82. If a seizure or attachment order or any precautionary measure is carried out and the items or assets acquired from legitimate sources cannot be distinguished from those acquired from illegitimate sources, the judge shall order that the measure be enforced up to the assessed value of the amount relating to offences coming under the present Law.

Article 83. The measures and penalties referred to in the preceding articles shall be applied without prejudice to the rights of bona fide third parties, at the discretion of the judge.

For such purposes, due notification shall be given so that any persons alleging a legitimate legal interest may appear in order to assert their rights. If such interest is established, the return of the items or assets concerned shall be ordered, provided that the third party cannot be charged with involvement of any kind in

the commission of offences under this Law and provided also that he demonstrates that the property was lawfully obtained.

Article 84. For purposes of expert laboratory analysis and testing, samples of seized controlled substances, precursors or chemicals shall be taken in the quantity considered necessary, in accordance with the provisions laid down to that end. The judge trying the case may order the destruction of the remainder or surplus of the substances and shall note the weight, quantity and quality in the case record unless, in the opinion of the Ministry of Health, their use for lawful therapeutic purposes is substantiated, in which case they shall be handed over to the Ministry of Health.

Article 85. The judge trying the case shall give instructions to the authorities of the Ministry of Health for the destruction of the substances, which shall be carried out in the presence of the judge himself, of the police and the criminal prosecutor. In the case of plantations, once the judicial inspection has been completed, the administrative authority shall undertake their destruction by means of an appropriate scientific or technical procedure, avoiding damage to the ecological system.

In both cases, a judicial record shall be drawn up, in which the destruction shall be noted.

CHAPTER X

TRANSITIONAL AND FINAL PROVISIONS

Article 86. Any donation made by an individual or corporate entity to the National Narcotics, Psychotropic Substances and Other Controlled Substances Board, or to any governmental or non-governmental institution, as a contribution towards combating drug addiction, shall be tax-deductible.

Article 87. Persons held for trial or convicted in respect of any offence who are users of narcotic drugs, psychotropic substances or controlled substances shall undergo rehabilitation in the penal establishment.

Article 88. This Law shall supersede Title VI of Book II of the Penal Code currently in force and amendments thereto, and any other statutory provisions at variance therewith.

Article 89. The present Law shall enter into force upon its publication by any communication medium, without prejudice to publication in *La Gaceta*, the official gazette of the country.

Done in the City of Managua, in the Meeting Hall of the National Assembly, this twenty-seventh day of May, nineteen hundred ninety-four.