



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.

ARGENTINA

Communicated by the Government of Argentina

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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**Narcotic Drugs Law No. 23.737
(Updated in 1995)**

Approved on 21 September 1989

Promulgated on 10 October

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Amendments: Law No. 23.975 (14/08/91)
Law No. 24.061 (19/12/91)
Law No. 24.112 (28/08/92)
Law No. 24.286 (22/12/93)
Law No. 24.424 (02/01/95)

ARTICLE 1. Article 204 of the Penal Code shall be replaced by the following text:

“Article 204. Any person authorized to sell medicinal substances who supplies them in a form, quality or quantity which does not correspond to the medical prescription or is other than as stated or agreed or without presenting and filing of the prescription for products which, under the regulations in force, may not be marketed without such requirement being fulfilled shall be liable to ordinary imprisonment from six months to three years”.

ARTICLE 2. The following text shall be inserted as article 204 *bis* of the Penal Code:

“Article 204 *bis*. If the offence specified in the preceding article is committed through negligence, the penalty shall be a fine of between three hundred australes and six thousand australes” (amounts increased by a minimum of one thousand pesos and a maximum of fifteen thousand pesos under Law No. 24.286).

ARTICLE 3. The following text shall be inserted as article 204 *ter* of the Penal Code:

“Article 204 *ter*. Any person responsible for the management, administration, control or supervision of an establishment intended for the dispensing of medicinal products who fails to fulfil the duties devolving upon him and makes possible the commission of any of the acts specified in article 204 shall be liable to a fine of between six hundred australes and twelve thousand australes” (amounts increased by a minimum of two thousand five hundred pesos and a maximum of thirty thousand pesos under Law No. 24.286).

ARTICLE 4. The following text shall be inserted as article 204 *quater* of the Penal Code:

“Article 204 *quater*. Any person who without authorization sells any medicinal substances which require a medical prescription in order to be marketed shall be liable to ordinary imprisonment from six months to three years”.

ARTICLE 5. A sentence of ordinary or rigorous imprisonment from four to fifteen years and a fine of between six thousand australes and five hundred thousand australes shall be imposed on any person who without authorization or with unlawful intent:

- (a) Sows or cultivates plants or keeps seeds which may be used to produce narcotic drugs or raw materials, or items intended for their production or manufacture;
- (b) Produces, manufactures, extracts or prepares narcotic drugs;
- (c) Trades in narcotic drugs, or in raw materials for their production or manufacture, or possesses them for marketing purposes, or distributes them, or offers them in payment, or stores or transports them;
- (d) Trades in plants or their seeds which may be used to produce narcotic drugs, or possesses them for marketing purposes, or distributes them, or offers them in payment, or stores or transports them;
- (e) Delivers, provides, administers or supplies narcotic drugs to another for a valuable consideration.

If such acts are performed free of charge, a sentence of ordinary or rigorous imprisonment from three to twelve years and a fine of between three thousand australes and one hundred and twenty thousand australes shall be applied.

If the acts specified in the preceding subparagraphs were committed by a person engaged in a business activity whose operation is subject to the granting of an authorization, licence or permit by the public authorities, specific disqualification for a period of five to fifteen years shall additionally be applied.

In the case referred to in subparagraph (a), if the small quantity sown or cultivated and all other circumstances indicate beyond doubt that the purpose of such quantity is to obtain narcotic drugs for personal use, the penalty shall be ordinary imprisonment from one month to two years, and articles 17, 18 and 21 shall be applicable.

ARTICLE 6. Any person who brings into the country narcotic drugs which are either manufactured or at any stage of their manufacture, or raw materials intended for their manufacture or production, by making a correct submission to the customs and later unlawfully altering their intended purpose shall be liable to ordinary or rigorous imprisonment from four to fifteen years and a fine of between six thousand australes and five hundred thousand australes.

In such cases, the penalty shall be ordinary or rigorous imprisonment from three to twelve years if their quantity indicates beyond doubt that the substances in question are not intended for marketing within or outside the national territory.

If the acts were committed by a person engaged in a business activity whose operation is subject to the granting of an authorization, licence or permit by the public authorities, specific disqualification for a period of three to twelve years shall additionally be applied.

ARTICLE 7. Any person who organizes or finances any of the unlawful activities referred to in articles 5 and 6 above shall be liable to ordinary or rigorous imprisonment from eight to twenty years and a fine of between thirty thousand australes and nine hundred thousand australes.

ARTICLE 8. Any person authorized to produce, manufacture, extract, prepare, import, export, distribute or sell narcotic drugs who possesses them in quantities other than those authorized, or prepares or uses natural, synthetic or officinal compounds which conceal or disguise narcotic drugs, and any person who administers, supplies or sells narcotic drugs without a medical prescription or in quantities greater than those prescribed shall be liable to ordinary or rigorous imprisonment from three to fifteen years, a fine of between

six thousand australes and three hundred thousand australes, and specific disqualification for a period of five to twelve years.

ARTICLE 9. Any physician or other practitioner authorized to issue prescriptions who prescribes, supplies or delivers narcotic drugs in cases other than where indicated for treatment or in doses greater than those necessary shall be liable to ordinary imprisonment from two to six years, a fine of between three thousand australes and fifty thousand australes, and specific disqualification for a period of one to five years. If he does so with unlawful intent, the sentence of ordinary or rigorous imprisonment shall be from four to fifteen years.

ARTICLE 10. Any person who provides, even if free of charge, premises or facilities for the commission of any of the acts specified in the preceding articles shall be liable to ordinary or rigorous imprisonment from three to twelve years and a fine of between three thousand australes and fifty thousand australes. The same penalty shall be imposed on any person who provides premises for people to meet for the purpose of using narcotic drugs.

If the premises are a business establishment, the additional penalty of disqualification from operating the business for the duration of the sentence shall be applied, such penalty being increased to twice the period of the sentence in the case of an entertainment business. During the conduct of the preliminary proceedings in the criminal action, the competent judge may order the closure of the premises as a precautionary measure.

ARTICLE 11. The penalties specified in the preceding articles shall be increased by between one third of the maximum and one half of the minimum, but without thereby exceeding the statutory maximum for the type of penalty concerned:

(a) If the acts were committed to the detriment of pregnant women or mentally disabled persons, or with the use or to the detriment of persons less than eighteen years old;

(b) If the acts were committed surreptitiously or with violence, intimidation or deceit;

(c) If three or more persons organized for the purpose of committing the acts were involved in their perpetration;

(d) If the acts were committed by a public official responsible for the prevention or prosecution of offences hereunder, or were committed to the detriment of prisoners by a public official responsible for their custody;

(e) If the offence was committed in the immediate vicinity of or within an educational institution, social service facility, place of detention, or cultural or social institution, or at locations where public entertainments or shows are performed, or in any other places to which schoolchildren and students resort for educational, sports or social activities;

(f) If the acts were committed by a teacher, educator or employee of educational establishments in general by abusing his or her specific position.

ARTICLE 12. A penalty of ordinary imprisonment from two to six years and a fine of between six hundred australes and twelve thousand australes shall be imposed on:

(a) Any person who advocates or defends publicly the use of narcotic drugs or induces others to consume them;

(b) Any person who uses narcotic drugs ostentatiously and in the public view.

ARTICLE 13. If narcotic drugs are used for the purpose of facilitating or perpetrating another offence, the penalty laid down for that offence shall be increased by one third of the statutory minimum and maximum for the type of penalty concerned.

ARTICLE 14. Any person who has narcotic drugs in his possession shall be liable to ordinary imprisonment from one to six years and a fine of between three hundred australes and six thousand australes.

The penalty shall be ordinary imprisonment from one month to two years if the small quantity involved and all other circumstances indicate beyond doubt that possession is for personal use.

ARTICLE 15. The possession or consumption of coca leaves in their natural state intended for the practice of *coqueo* or chewing, or for use as an infusion, shall not be regarded as possession or consumption of narcotic drugs.

ARTICLE 16. Where a person convicted of any offence is physically or psychologically dependent on narcotic drugs, the judge shall impose, in addition to the penalty, a remedial care measure, which shall consist of detoxification and rehabilitation treatment for the time necessary for such purposes, and which shall cease by judicial decision following the submission of a report by experts who so recommend.

ARTICLE 17. In the case referred to in the second paragraph of article 14, if it is established in the course of the proceedings that possession is for personal use and if the alleged offender is found guilty and is physically or psychologically dependent on narcotic drugs, the judge may suspend the application of the penalty and order the offender to undergo a remedial care measure for the time necessary for his detoxification and rehabilitation.

If the outcome is established as satisfactory, the offender shall be exempted from the application of the penalty.

If, on completion of two years of treatment, an acceptable degree of recovery has not been achieved owing to the offender's lack of cooperation, the penalty shall be enforced and the remedial measure shall be continued for the time necessary, or only the remedial measure shall be continued.

ARTICLE 18. In the case referred to in the second paragraph of article 14, if it is established during the preliminary proceedings on the basis of prima facie evidence that possession is for personal use and if there is, in the opinion of the judge, sufficient presumption of the accused's responsibility and he is physically or psychologically dependent on narcotic drugs, he shall, with his consent, undergo remedial treatment for the time necessary for his detoxification and rehabilitation, and the preliminary proceedings shall be suspended.

If the outcome of the treatment is established as satisfactory, the proceedings shall be discontinued. If, on completion of two years of treatment, an acceptable degree of recovery has not been achieved owing to the accused's lack of cooperation, the proceedings shall be resumed and, where applicable, the penalty may be enforced and the treatment continued for the time necessary, or only the remedial measure may be continued.

ARTICLE 19. The remedial measure comprising detoxification and rehabilitation treatment, as provided for in articles 16, 17 and 18, shall be carried out at suitable establishments to be determined by the court from a list of recognized, professionally managed institutions which are periodically reviewed, officially registered and authorized to operate by the national or provincial health authority, which shall furnish the Judiciary each month with an updated list, to be publicly disseminated.

The treatment may be administered to the accused as a precautionary measure if he consents thereto or if there is a risk of his harming himself or others.

The treatment shall be directed by a team of specialists and shall comprise medical, psychiatric, psychological, educational, criminological and social welfare aspects, and may be conducted on an out-patient and/or residential basis, as applicable.

Where the treatment is administered to a convicted offender, it shall be carried out in advance, and the duration thereof shall be included in the calculation of the length of the sentence. In the case of a person committed for trial, the duration of the treatment shall suspend the computation of the statute of limitations period in respect of the penal action.

The federal or provincial penitentiary service shall arrange for the provision, at each unit, of a place where the remedial rehabilitation measure provided for in articles 16, 17 and 18 can be carried out separately from the other internees.

ARTICLE 20. For the application of the measures set out in articles 16, 17 and 18, the judge shall, following the submission of an expert report, distinguish between an offender who abuses narcotic drugs and a person addicted to such drugs who commits a crime, in order that the rehabilitation treatment can in both cases be determined on the basis of the pathological condition and of the offence perpetrated, for the purpose of adopting the most appropriate course of therapy.

ARTICLE 21. In the case referred to in the second paragraph of article 14, if the accused is not physically or psychologically dependent on narcotic drugs owing to his being an experimenter or naive user, the trial judge may once only, as an alternative to the penalty, impose a remedial educational measure in the form and manner judicially laid down.

Such measure shall include compulsory participation in a specialized programme to encourage responsible attitudes to drug possession and abuse, which the national or provincial educational authority shall implement, for a minimum period of three months, with a view to the more effective enforcement of this Law.

The alternative measure shall be notified to the National Registry of Recidivism and Crime and Prison Statistics, which body shall disclose it solely to the courts of the country which are competent to apply the present Law, if so requested by them.

If, on completion of the treatment period, a satisfactory outcome has not been achieved owing to the convicted offender's lack of cooperation, the court shall enforce the penalty in the manner specified in the verdict.

ARTICLE 22. If the outcome of the rehabilitation measures provided for in articles 17, 18 and 21 is established as satisfactory and if, after a period of three years from such rehabilitation, the offender achieves full social, family, employment and educational reintegration, the judge may, following the

submission of an expert report, issue an order to the National Registry of Recidivism and Crime and Prison Statistics for the deletion of the entry relating to unlawful possession and use of narcotic drugs.

ARTICLE 23. Any public official employed by the health authority with functional responsibility for monitoring the marketing of narcotic drugs who fails to fulfil the duties devolving upon him under the laws or regulations or fails to carry out any orders imparted to him by his superiors in pursuance thereof shall be liable to ordinary imprisonment from two to six years and specific disqualification for a period of four to eight years.

ARTICLE 24. Any person who without authorization or in breach of the health authority's controls brings into the frontier area demarcated by law any precursors or chemicals suitable for the production or manufacture of narcotic drugs shall be liable to a fine of between three thousand australes and six hundred thousand australes, specific disqualification for a period of one to five years and seizure of the goods involved in the offence, without prejudice to any other penalties which may be applicable.

The precursors and chemicals shall be specified in lists which the National Executive shall, by decree, draw up for such purpose and update periodically.

ARTICLE 25. Any person who, without taking part or cooperating in the commission of the acts specified in this Law, is involved in the investment, sale, pledging, transfer or disposal of proceeds, property or other things derived from such acts, or income obtained from the offence, shall, provided that he was aware of or suspected such origin, be liable to ordinary imprisonment from two to ten years and a fine of five hundred thousand australes.

The same penalty shall be imposed on any person who purchases, keeps, conceals or receives such proceeds, property or things if he was aware of or suspected the origin thereof.

For the purposes of the application of this article, it shall be immaterial whether the act giving rise to the proceeds, property, things or income took place on foreign territory.

The court shall lay down the procedural measures for the safe keeping of proceeds or property presumed to be derived from acts described in the present Law. During the proceedings, the party concerned may prove their legitimate origin, in which case the court shall order the return of the property in its condition as existing at the time when it was placed in safe keeping or, failing that, shall order the payment of compensation therefor. Otherwise, the court shall dispose of the proceeds or property in the manner specified in article 39.

ARTICLE 26. In the investigation of offences under the Law, there shall be no bank or tax secrecy. The lifting of secrecy may be ordered only by the trial judge.

The information obtained may be used solely in connection with the investigation of acts coming under this Law.

ARTICLE 26 bis. Evidence consisting of photographs, films or recordings shall be evaluated by the court in so far as its authenticity is established.

ARTICLE 27. In all cases where the perpetrator of an offence under this Law commits that offence as the agent of a corporate entity and the characteristic required in order to constitute the offender is possessed not by the agent himself but by the corporate entity, he shall be liable to punishment as if such characteristic were possessed by the perpetrator.

ARTICLE 28. Any person who publicly issues directions for the production, manufacture, processing or use of narcotic drugs shall be liable to ordinary imprisonment from two to eight years.

The same penalty shall be incurred by any person who through the mass media explains in detail how any article whose use or sale is unrestricted may be employed as a narcotic drug.

ARTICLE 29. Any person who forges medical prescriptions or knowingly makes out such prescriptions with fictitious details, or with true details but without authorization from the practitioner responsible for registration, or signs them without authority to do so, or accepts them although he is aware of their illegitimate origin or irregular nature shall be liable to ordinary imprisonment from six months to three years. In cases where appropriate, the additional penalty of disqualification from operating the business shall be applied for twice the duration of the sentence.

ARTICLE 29 bis. Any person who takes part in a conspiracy of two or more persons for the purpose of committing any of the offences under articles 5, 6, 7, 8, 10 and 25 of the present Law or of article 866 of the Customs Code shall be liable to ordinary or rigorous imprisonment from one to six years.

The conspiracy shall be punishable from the time when any of its members carries out acts which clearly reveal the common decision to perpetrate the offence for which the conspiracy had been formed.

Any person who divulges the conspiracy to the authorities prior to commencement of the commission of the offence for which it had been formed and any person who voluntarily prevents the execution of the plan shall be exempted from punishment.

ARTICLE 29 ter. Where a person has committed any of the offences under the present Law or under article 866 of the Customs Code, the court may reduce the penalties applicable to one half of the minimum or of the maximum or exempt that person from such punishments if, during the conduct of the proceedings or prior to their initiation, that person:

(a) Divulges the identity of joint perpetrators, accomplices or accessories in connection with the offences being investigated or related offences, by providing sufficient details that will enable the accused to be brought to trial or significant progress to be achieved in the investigation;

(b) Furnishes information that makes possible the seizure of substances, raw materials, chemical precursors, means of transport, securities, property, money or any other substantial asset derived from offences under this Law.

For the purposes of exemption from punishment, any information that makes it possible to dismantle an organization engaged in the production or marketing of or trafficking in narcotic drugs shall be given special consideration.

No reduction or waiving of punishment shall be admissible in regard to the penalty of disqualification.

ARTICLE 30. The judge shall give orders for the destruction, by the national health authority, of narcotic drugs forming the subject of the offence or items intended for their manufacture, unless they belong to a third party who is not responsible, or unless they may be used by that authority, which shall state the purpose for which they are to be allocated.

The plant species *Papaver somniferum L.*, *Erythroxylon coca Lam* and *Cannabis sativa L.* shall be destroyed by incineration.

In all cases, a prior expert examination shall be carried out in order to determine their nature, quality and quantity, and the necessary samples shall be preserved for the conduct of the case or for any further expert examinations and shall be destroyed when the proceedings have been finally concluded.

The destruction procedure referred to in the first paragraph shall be conducted in public, within five (5) days of completion of the corresponding expert examinations and sample-taking, in the presence of the judge or clerk of the court and of two witnesses, and the relevant authorities of the Executive for the area concerned shall be called upon to attend. A record of the destruction shall be made in a document, which shall be signed by the judge or clerk, witnesses and officials present and be attached to the case file.

Moreover, the property and instrumentalities used for the commission of the offence shall be seized unless they belong to a person unconnected with the act and unless the circumstances or physical elements of the case demonstrate that that person could not have been aware of such illicit use. The proceeds derived from the offence shall also be seized.

ARTICLE 31. Personnel of any of the security forces and of the National Customs Administration may act within the area of jurisdiction of other such bodies in the pursuit of criminal offenders or persons suspected of or committing infringements under this Law, or in carrying out urgent measures in connection therewith, and immediate notification shall be given to the local security force.

The security forces and the National Customs Administration shall operate a permanent consultation mechanism, and the Argentine Federal Police shall specify the information to be supplied to it by those bodies, which shall have a data bank access system for the effective combating of illicit drug trafficking throughout the country.

The agreements concluded by the security forces and the National Customs Administration or other administrative bodies with a view to cooperating and combining efforts in the fight against drug trafficking and the prevention of drug abuse shall remain in force.

ARTICLE 31 bis. In the course of an investigation and for the purposes of establishing the perpetration of any offence under this Law or under article 866 of the Customs Code, or preventing their completion, or identifying or arresting the perpetrators, accomplices or accessories, or obtaining and safeguarding the necessary evidence, the judge may, in a substantiated ruling, direct, if the aims of the investigation cannot be otherwise achieved, that agents of the security forces in operation, acting in an undercover manner:

(a) Infiltrate criminal organizations whose aims include the commission of offences under this Law or under article 866 of the Customs Code;

(b) Participate in the perpetration of any of the acts coming under this Law or under article 866 of the Customs Code.

The appointment shall specify the true name of the agent and the false identity under which he is to act in the case, and shall be restricted to the proceedings and subject to due security.

Any information obtained by the undercover agent shall be immediately notified to the judge.

The appointment of an undercover agent shall be kept strictly secret. If it is absolutely essential for the personal details of the undercover agent to be adduced as evidence, he shall give testimony as a witness, without prejudice to the adoption, where applicable, of the measures provided for in article 31 *quinques*.

ARTICLE 31 *ter*. An undercover agent who, as a necessary consequence of the performance of the assignment entrusted to him, is compelled to commit an offence shall not be liable to punishment provided that the offence does not entail putting the life or physical safety of any individual at certain risk or the causing of serious physical or mental suffering to any individual.

If the undercover agent is indicted in any proceedings, he shall in confidence divulge his status to the judge concerned, who shall privately obtain the relevant information from the appropriate authority.

Where a case involves the situation provided for in the first paragraph of this article, the judge shall rule on such case without revealing the true identity of the accused.

ARTICLE 31 *quater*. No officer of the security forces may be compelled to act as an undercover agent. Refusal to do so shall not be construed as an unfavourable performance record for any purpose.

ARTICLE 31 *quinques*. If the safety of a person who has acted as an undercover agent is threatened as a result of the revelation of his true identity, he shall be entitled to opt either to remain in employment or to retire, irrespective of his number of years of service. In the latter case, he shall be granted a retirement credit equal to that due to a person whose rank is two grades higher than his own.

ARTICLE 31 *sexies*. Any public employee or official who wrongfully reveals the real or new identity of an undercover agent or, where applicable, the new identity or address of a protected suspect or witness shall be liable to ordinary imprisonment from two to six years, a fine between ten thousand pesos and one hundred thousand pesos, and specific disqualification for a period of three to ten years.

ARTICLE 32. If any delay in the proceedings may jeopardize the outcome of the investigation, the trial judge shall be empowered to act outside his own territorial jurisdiction and direct the prevention authorities to carry out such steps as he considers appropriate, informing the local judge of the measures ordered.

Moreover, the prevention authorities shall notify the local judge of the results of the steps taken and place at his disposal any persons detained, so that he may verify whether the deprivation of their liberty is strictly consistent with the measures ordered. If it is so established, the local judge shall place the detainees at the disposal of the trial judge.

ARTICLE 33. The trial judge may authorize the prevention authority to defer the detainment of persons or the seizure of narcotic drugs if he considers that the immediate taking of such measures may jeopardize the outcome of the investigation.

The judge may also suspend the interception on Argentine territory of an illicit consignment of narcotic drugs and permit its exit from the country if he has assurances that it will be monitored by the judicial authorities of the country of destination. Such measure shall be ordered in a substantiated ruling stating, in so far as is possible, the quality and quantity of the controlled substance and also its weight.

ARTICLE 33 bis. If the circumstances of the case give reason to assume a certain risk to the life or physical safety of a witness or of a suspect who has cooperated in the investigation, the court shall order such special protection measures as are appropriate. These measures may include the changing of the identity of the witness or suspect and the provision of essential financial resources for a new address and occupation, if necessary. The relevant formalities shall be the responsibility of the Ministry of Justice.

ARTICLE 34. The offences established and punished under this Law shall come within the jurisdiction of the federal courts throughout the country.

ARTICLE 34 bis. Any persons who report any offence under this Law or under article 866 of the Customs Code shall have their anonymity preserved.

ARTICLE 35. The following shall be inserted in Law No. 10.903 as article 18 *bis*:

“Article 18 *bis*. In all cases where a pregnant woman gives birth in the course of the proceedings or while serving a sentence for an infringement of the narcotic drugs law, she shall, within five days of the birth, have her child undergo a specialized medical examination for the purpose of determining whether it displays symptoms of dependence on such drugs.

“The same obligation shall devolve upon the father, tutor or guardian.

“Any breach of such obligation shall be penalized by a fine of between one hundred and twenty australes and nine hundred australes, and the judge shall order that the omission be rectified”.

ARTICLE 36. If, as a result of infringements of the present Law, the trial judge concludes that a father or mother has jeopardized the safety, physical or psychological health or moral development of his or her under-age children, he shall refer the relevant particulars to the competent judge with a view to his ruling on the applicability of the provisions contained in the third paragraph of article 307 of the Civil Code.

ARTICLE 37. Articles 25 and 26 of Law No. 20.655 shall be replaced by the following:

“Article 25. Any person who supplies to a participant in a sports competition, with or without his consent, stimulating or depressive substances with the aim of abnormally enhancing or diminishing his performance shall be liable to ordinary imprisonment from one month to three years, unless an offence which is more severely penalized results therefrom.

“The same penalty shall be imposed on any participant in a sports competition who uses any of such substances or consents to their administration by a third party for the purpose stated in the preceding paragraph.

“Article 26. Any person who supplies stimulating or depressive substances to animals engaged in competitions with the aim of abnormally enhancing or diminishing their performance shall be liable to ordinary imprisonment from one month to three years, unless an offence which is more severely penalized results therefrom.

“The same penalty shall be imposed on any persons who give their consent thereto or use the animals for competitive purposes when aware of this circumstance”.

ARTICLE 38. The following shall be inserted as article 26 *bis* of Law No. 20.655:

“Article 26 *bis*. If the substances specified in the preceding articles are narcotic drugs, the following penalties shall be applied:

1. In the case referred to in the first paragraph of article 25, ordinary or rigorous imprisonment from four to fifteen years and a fine of between six thousand australes and five hundred thousand australes;
2. In the case referred to in the second paragraph of article 25, ordinary imprisonment from one month to four years;
3. In the circumstances referred to in article 26, ordinary imprisonment from one month to four years and a fine of between three thousand australes and fifty thousand australes”.

ARTICLE 39. The conviction shall include a final decision regarding seized property and proceeds as referred to in articles 25 and 30, unless a ruling thereon has previously been given.

Property, or revenue from the sale thereof, shall be allocated to combating illicit trafficking in narcotic drugs, the prevention of their abuse and the rehabilitation of persons affected by their consumption.

Fines collected in application of this Law shall be allocated for the same purpose.

Property seized in connection with the offences specified in Section XII, Title I, of Law No. 22.415, or revenue from the sale thereof, shall also be allocated for such purpose if the object those offences is narcotic drugs, precursors or chemicals.

The judges or authorities concerned shall hand over fines, proceeds and property seized, or revenue from the sale thereof, as referred to in the preceding paragraphs, in accordance with the stipulations of this Law and the provisions of Decree No. 1148/91.

The income from the resources specified in this article shall in all cases be paid into special account 816, “Miscellaneous proceeds”, of the General State Budget.

ARTICLE 40. The final paragraph of article 77 of the Penal Code shall be amended by the following text:

The term “narcotic drugs” shall comprise narcotic, psychotropic and other substances capable of producing physical or psychological dependence which are included in the lists drawn up and updated periodically by executive decree.

ARTICLE 41. Pending the publication of the executive decree referred to in the preceding article, the lists prepared by the national health authority pursuant to the provisions of article 10 of Law No. 20.771 and in force at the date of promulgation of the present Law shall be valid as a supplementary statute.

ARTICLE 42. The Ministry of Education and Justice, in coordination with the Ministry of Health and Social Welfare and the provincial health and education authorities, shall include the different aspects of drug abuse in all training programmes for educational personnel, taking into account the guidelines contained in the international treaties signed by the country, the policies and strategies of international organizations

specializing in this field, the progress achieved in scientific research on narcotic drugs, and the specific reports of the World Health Organization.

On the same basis, they shall conduct information campaigns aimed at pupils, organized community groups and the public in general.

ARTICLE 43. The National Government shall provide economic assistance to those provinces which currently have or in the future establish public rehabilitation centres for drug addicts.

The Executive shall each year include in the national budget an item intended for such purposes. It shall also provide technical assistance to these centres.

ARTICLE 44. Commercial firms or enterprises producing, manufacturing, preparing, exporting or importing authorized chemicals or substances which, by reason of their characteristics or components, may be unlawfully diverted to serve as a basis or be used in the manufacture of narcotic drugs shall be registered with a special registry, which shall operate in the area of jurisdiction laid down by the Executive and whose records shall be kept updated by means of periodic inspections of the registered establishments.

Particulars of annual production, sales, geographical destination and use shall be entered in this register together with all details necessary for carrying out appropriate checks at the stages of production and marketing of the substances or products and their subsequent utilization.

Any breach of this obligation shall be penalized by specific disqualification for a period of one month to three years and a fine of between one thousand australes and one hundred thousand australes.

The substances and chemicals shall be those specified or to be specified by the Executive by means of the lists to be periodically updated.

ARTICLE 45. Repealed by Law No. 23.975.

ARTICLE 46. Articles 1 to 11 inclusive of Law No. 20.771 and its amending statutes shall be repealed.

ARTICLE 47. To be communicated to the Executive.

Decree No. 722 of 18 April 1991

Published on 23 April 1991

HAVING REGARD to the provisions set forth in the final paragraph of article 77 of the Penal Code, amended by article 40 of Law No. 23.737, and

WHEREAS:

The lists of narcotic, psychotropic and other substances capable of producing physical or psychological dependence have to be periodically updated for the purpose of specifying which products have been entered on such schedules;

It is accordingly necessary to include in these lists those drugs which by reason of their highly dangerous nature appear in the schedules produced by the United Nations International Narcotics Control Board (INCB), which were updated at its Eleventh Special Session, held in February 1990;

The present legislative measure is promulgated in exercise of the powers conferred under article 77 of the Penal Code;

Therefore,

**THE PRESIDENT OF ARGENTINA
HEREBY DECREES AS FOLLOWS:**

ARTICLE 1. For the purposes set forth in the final paragraph of article 77 of the Penal Code, the products included in the list which, as annex I, forms an integral part of the present Decree shall be regarded as "narcotic drugs".

ARTICLE 2. To be communicated, published and submitted to the National Department of Official Registration.

ACETORPHINE, 3-*O*-acetyltetrahydro-7 α -(1-hydroxy-1-methylbutyl)-6,14-endoetheno-oripavine

ACETYL-ALPHA-METHYLFENTANYL, *N*-[1-(α -methylphenethyl)-4-piperidyl]acetanilide

ACETYLDIHYDROCODEINE, acetyldihydrocodeine

ACETYLMETHADOL, 3-acetoxy-6-dimethylamino-4,4-diphenylheptane

ALFENTANIL, *N*-[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1*H*-tetrazol-1-yl)ethyl]-4-(methoxymethyl)-4-piperidiny]-*H*-phenylpropanamide monohydrochloride

ALLYLPRODINE, 3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine

ALPHA-METHYLFENTANYL, *N*-[1-(α -methylphenethyl)-4-piperidyl]propionanilide

ALPHA-METHYLTHIOFENTANYL, *N*-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]propionanilide

ALPHACETYLMETHADOL, *alpha*-3-acetoxy-6-dimethylamino-4,4-diphenylheptane

ALPHAMEPRODINE, *alpha*-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine

ALPHAMETHADOL, *alpha*-6-dimethylamino-4,4-diphenyl-3-heptanol

ALPHAPRODINE, *alpha*-1,3-dimethyl-4-phenyl-4-propionoxypiperidine

AMFETAMINE-BENZEDRINE, *beta*-phenylisopropylamine

ANILERIDINE, 1-(aminophenethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester

BENZETHIDINE, 1-(2-benzyloxyethyl)-4,4-phenylpiperidine-4-carboxylic acid ethyl ester

BENZYLMORPHINE, 3-benzylmorphine

BETA-HYDROXY-3-METHYLFENTANYL, *N*-[1-(*beta*-hydroxyphenethyl)-3-methyl-4-piperidyl]propionanilide

BETA-HYDROXYFENTANYL, *N*-[1-(*beta*-hydroxyphenethyl)-4-piperidyl]propionanilide

BETACETYLMETHADOL, *beta*-3-acetoxy-6-dimethylamino-4,4-diphenylheptane

BETAMEPRODINE, *beta*-3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine

BETAMETHADOL, *beta*-6-dimethylamino-4,4-diphenyl-3-heptanol

BETAPRODINE, *beta*-1,3-dimethyl-4-phenyl-4-propionoxypiperidine

BEZITRAMIDE, 1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazoliny)-piperidine

BUFOTENINE, 5-hydroxy-*N*-dimethyltryptamine

CANNABIS (marijuana) AND CANNABIS OIL AND RESIN (hashish) AND ITS SEEDS, *Cannabis sativa* L.

CATHINONE, (-)-*alpha*-aminopropiophenone

CHLORPHENTERMINE, 4-chloro-*alpha, alpha*-dimethylphenethylamine

CLONITAZENE, 2-*para*-chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole

COCA LEAF, *Erythroxylon coca*

COCAINE, methyl ester of benzoylecgonine

CODEINE, 3-methylmorphine

CODEINE-*N*-OXIDE (See morphine methobromide)

CODOXIME, dihydrocodeinone-6-carboxymethyloxime

CONCENTRATE OF POPPY STRAW (the material arising when poppy straw has entered into a process for the concentration of its alkaloids when such material is made available in trade)

DESOMORPHINE, dihydrodeoxymorphine

DET, *N,N*-diethyltryptamine

DEXAMFETAMINE, dextroamphetamine

DEXTROMORAMIDE, (+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidiny)butyl]morpholine

DEXTROPROPOXYPHENE, (+)- α -4-dimethylamino-3-methyl-1,2-diphenyl-2-butanol propionate

DIAMPROMIDE, *N*-[2-(methylphenethylamino)-propyl]propionanilide

DIETHYLPROPION or AMFEPRAMONE, 2-(diethylamino)propiofenone

DIETHYLTHIAMBUTENE, 3-diethylamino-1,1-di-(2'-thienyl)-1-butene

DIFENOXIN, 1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipectic acid

DIHYDROCODEINE, 7,8-dihydrocodeine

DIHYDROMORPHINE, 7,8-dihydromorphine

DIHYDROMORPHINE (Esters of)

DIMENOXADOL, 2-dimethylaminoethyl-1-ethoxy-1,1-diphenylacetate

DIMEPHEPTANOL, 6-dimethylamino-4,4-diphenyl-3-heptanol

DIMETHYLTHIAMBUTENE, 3-dimethylamino-1,1-di-(2'-thienyl)-1-butene

DIOXAPHETYL BUTYRATE, ethyl-4-morpholino-2,2-diphenylbutyrate

DIPHENOXYLATE, 1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester

DIPIPANONE, 4,4-diphenyl-6-piperidine-3-heptanone

DMA, *dl*-2,5-dimethoxy-*alpha*-methylphenylethylamine

DMHP, 3-(1,2-dimethylheptyl)-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6*H*-dibenzo[*b,d*]pyran

DMT, *N,N*-dimethyltryptamine

DOB, 2,5-dimethoxy-4-bromoamphetamine

DOET, *dl*-2,5-dimethoxy-4-ethyl-*alpha*-methylphenylethylamine

DROTEBANOL, 3,4-dimethoxy-17-methylmorphinan-6 β ,14-diol

ECGONINE, its esters and derivatives which are convertible to ecgonine and cocaine

ECGONINE, (-)-3-hydroxy-2-carboxypropane

N-ETHYLAMPHETAMINE, *dl-N*-ethyl-*alpha*-methylphenylethylamine

N-ETHYL MDA, (\pm)-*N*-ethyl-*alpha*-methyl-3,4-(methylenedioxy)phenethylamine

ETHYLMETHYLTHIAMBUTENE, 3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene

ETHYLMORPHINE, 3-ethylmorphine

ETONITAZENE, 1-diethylaminoethyl-2-*para*-ethoxybenzyl-5-nitrobenzimidazole

ETORPHINE, tetrahydro-7 α -(1-hydroxy-1-methylbutyl)-6,14-*endo*etheno-oripavine

ETOXERIDINE, 1-[2-(2-hydroxyethoxy)-ethyl]-4-phenylpiperidine-carboxylic acid ethyl ester

FENCAMFAMIN, *dl-N*-ethyl-3-phenylbicyclo(2,2,1)-heptan-2-amine

FENETYLLINE, *dl*-3,7-dihydro-1,3-dimethyl-7-(2-[(1-methyl-2-phenylethyl)amino]ethyl)-1*H*-purine-2,6-dione

FENPROPOREX, (\pm)-3-[(α -methylphenethyl)amino]propionitrile

FENTANYL, 1-phenethyl-4-*N*-propionylanilinopiperidine

FURETHIDINE, 1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester

HARMALINE, 3,4-dihydroxyharmine

HARMINE, 7-methoxy-1-methyl-9-pyrido-(3,4-*b*)-indole

HEROIN, diacetylmorphine

HYDROCODONE (Esters of)

HYDROCODONE, dihydrocodeinone

HYDROMORPHINOL, 14-hydroxydihydromorphine

HYDROMORPHONE, dihydromorphinone

HYDROMORPHONE (Esters of)

N-HYDROXY MDA, (±)-*N*-[*alpha*-methyl-3,4-(methylenedioxy)phenethyl]hydroxylamine

HYDROXYPETHIDINE, 4-(*m*-hydroxyphenyl)-1-methylpiperidine-4-carboxylic acid ethyl ester

IBOGAINE, indole alkaloid

ISOAMINILE, *alpha*-(isopropyl)-*alpha*-(*beta*-dimethylaminopropyl)phenylacetonitrile

ISOMETHADONE, 6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone

KETOBEMIDONE, 4-*meta*-hydroxyphenyl-1-methyl-4-propionylpiperidine

LEVAMFETAMINE, 1-*alpha*-methylphenethylamine

LEVOMETAMFETAMINE, 1-*N*-*alpha*-dimethylphenethylamine

LEVOMETHORPHAN, (-)-3-methoxy-*N*-methylmorphinan

LEVOMORAMIDE, (-)-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl]morpholine

LEVOPHENACYLMORPHAN, (-)-3-hydroxy-*N*-phenacylmorphinan

LEVORPHANOL, (-)-3-hydroxy-*N*-methylmorphinan

LYSERGIDE, (+)-LSD, LSD-25, (+)-*N,N*-diethyllysergamide (lysergic acid diethylamide)

MDA, 3,4-methylenedioxy-*N*,*alpha*-dimethylphenylethylamine

MDMA, (±)-3,4-methylenedioxy-*N*,*alpha*-dimethylphenylethylamine

MECLOQUALONE, 3-(*o*-chlorophenyl)-2-methyl-4-(3*H*)-quinazolinone

MESCALINE, 3,4,5-trimethoxyphenethylamine

METAMFETAMINE RACEMATE, (±)-*N*,*alpha*-dimethylphenethylamine

METAMFETAMINE, (+)-2-methylamino-phenylpropane

METAZOCINE, 2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan

METHADONE, 6-dimethylamino-4,4-diphenyl-3-heptanone

METHADONE INTERMEDIATE, 4-cyano-2-dimethylamino-4,4-diphenylbutane

METHAQUALONE, 2-methyl-3-*o*-tolyl-4(3*H*)-quinazolinone

4-METHYLAMINOEX, (+)-*cis*-2-amino-4-methyl-5-phenyl-2-oxazoline

3-METHYLFENTANYL, *N*-(3-methyl-1-phenethyl-4-piperidyl)propionanilide, with its two isomeric forms, *cis* and *trans*

3-METHYLTHIOFENTANYL, *N*-[3-methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide

METHYLDESORPHINE, 6-methyl-deoxymorphine

METHYLHYDROMORPHINE, 6-methyldihydromorphine

METHYLPHENIDATE, 2-phenyl-2-(2-piperidyl)acetic acid methyl ester

METOPON, 5-methyldihydromorphinone

MMDA, *dl*-5-methoxy-3,4-methylenedioxy-*alpha*-methylphenylethylamine

MORAMIDE INTERMEDIATE, 2-methyl-3-morpholino-1,1-diphenylpropane carboxylic acid

MORPHERIDINE, 1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester

MORPHINE

MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives, including in particular the morphine-*N*-oxide derivatives, one of which is codeine-*N*-oxide

MORPHINE-*N*-OXIDE (Derivatives of)

MORPHINE-*N*-OXIDE (See morphine)

MPPP, 1-methyl-4-phenyl-4-piperidinol propionate (Ester)

MYROPHINE, myristylbenzylmorphine

NALLINE, *N*-ethylmorphine

NICOCODINE, 6-nicotinylcodeine

NICODICODINE, 6-nicotinyldihydrocodeine

NICOMORPHINE, 3,6-dinicotinylmorphine

NORACY METHADOL, (\pm)-*alpha*-3-acetoxy-6-methylamino-4,4-diphenylheptane

NORCODEINE, *N*-demethylcodeine

NORLEVORPHANOL, (-)-3-hydroxymorphinan

NORMETHADONE, 6-dimethylamino-4,4-diphenyl-3-hexanone

NORMORPHINE, demethylmorphine

NORPIPANONE, 4,4-diphenyl-6-piperidino-3-hexanone

OPIUM

OXYCODONE, 14-hydroxydihydrocodeinone

OXYCODONE (Esters of)

OXYMORPHONE, 14-hydroxydihydromorphinone

PARA-FLUOROFENTANYL, 4'-fluoro-*N*-(1-phenethyl-4-piperidyl)propionanilide

PARAHEXYL, 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6*H*-dibenzo[*b,d*]pyran

PCE, *N*-ethyl-phenylcyclohexylamine

PCP, 1-(phenylcyclohexyl)piperidine (See phencyclidine)

PENTAZOCINE, 1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-methyl-2-butenyl-2-methano-3-pentazocine-8-ol

PEPAP, 1-phenethyl-4-phenyl-4-piperidinol acetate (ester)

PETHIDINE, 1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester

PETHIDINE INTERMEDIATE A, 4-cyano-1-methyl-4-phenylpiperidine

PETHIDINE INTERMEDIATE B, 4-phenylpiperidine-4-carboxylic acid ethyl ester

PETHIDINE INTERMEDIATE C, 1-methyl-4-phenylpiperidine-4-carboxylic acid (Esters of)

PHENADOXONE, 6-morpholino-4,4-diphenyl-3-heptanone

PHENAMPROMIDE, *N*-(1-methyl-2-piperidinoethyl)propionanilide

PHENAZOCINE, 2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan

PHENCYCLIDINE, 1-(1-phenylcyclohexyl)piperidine

PHENDIMETRAZINE, (+)-3,4-dimethyl-2-phenylmorpholine

PHENMETRAZINE, 3-methyl-2-phenylmorpholine

PHENOMORPHAN, 3-hydroxy-*N*-phenethylmorphinan

PHENOPERIDINE, 1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester

PHOLCODINE, morpholinylethylmorphine

PHP or PCPY, 1-(phenylcyclohexyl-pyrrolidine)

PIMINODINE, 4-phenyl-1-(3-phenylaminopropyl)piperidine-4-carboxylic acid ethyl ester

PIRITRAMIDE, 1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)piperidine-4-carboxylic acid amide

PMA, 4-methoxy-*alpha*-methylphenylethylamine

PROHEPTAZINE, 1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane

PROPERIDINE, 1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester

PROPIRAM, *N*-(1-methyl-2-piperidinoethyl)-*N*-2-pyridylpropionamide

PSILOCINE, 3-(2-dimethylaminoethyl)-4-hydroxyindole

PSILOCYBINE, 3-(2-dimethylaminoethyl)indol-4-yl dihydrogen phosphate ester

RACEMETHORPHAN, (\pm)-3-methoxy-*N*-methyldmorphinan

RACEMORAMIDE, (\pm)-4-2-methyl-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl-morpholine

RACEMORPHAN, (\pm)-3-hydroxy-*N*-methyldmorphinan

STP or DOM, 2-amino-1-1-(2,5-dimethoxy-4-methyl)phenylpropane

SUFENTANIL, *N*-[4-(methoxymethyl)-1-[2-(2-thienyl)ethyl-1-4-piperidyl]propionanilide

TCP, 1-[1-(2-thienyl)cyclohexyl]piperidine

TETRAHYDROCANNABINOLS, $\Delta^{6a(1-a)}$, $\Delta^{6a(7)}$, Δ^7 , Δ^8 , Δ^9 , Δ^{10} , $\Delta^{9(11)}$, and their stereochemical variants

THEBACON, acetyldihydrocodeinone

THEBAINE, 3,6-dimethyl-8-dihydromorphine

THIOFENTANYL, *N*-[1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide

TILIDINE, (\pm)-ethyl *trans*-2-(dimethylamino)-1-phenyl-3-cyclohexene-1-carboxylate

TMA, *dl*-3,4,5-trimethoxy-*alpha*-methylphenylethylamine

TRIMERPERIDINE, 1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine