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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 text.*

#### REPUBLIC OF KOREA

Communicated by the Government of the Republic of Korea

##### 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 [...].

NARCOTICS ACT (ACT N° 440 OF 23 APRIL 1957),  
AS AMENDED ON 28 FEBRUARY 1998

\*Note by the Secretariat: This document is a direct reproduction of the text communicated to the Secretariat by the Government of the Republic of Korea.

# NARCOTICS ACT

Act No. 440, Apr. 23, 1957  
 Amended by Act No. 1954, Apr. 07, 1967  
 Act No. 2612, Mar. 13, 1973  
 Act No. 2894, Apr. 07, 1976  
 Act No. 2976, Dec. 31, 1976  
 Act No. 3077, Dec. 31, 1977  
 Act No. 4122, Apr. 01, 1989  
 Act No. 4632, Dec. 27, 1993  
 Act No. 5453, Dec. 13, 1997  
 Act No. 5483, Dec. 31, 1997  
 Act No. 5529, Feb. 28, 1998

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose) 1/

The purpose of this Act is to confine the use of narcotics to proper medical and scientific purposes and thereby ensure the proper handling thereof in order to prevent the harmful effects of narcotics.

*<Amended by Act No. 1954, Apr. 7, 1967>*

### Article 2 (Definitions)

① The term "narcotics" used in this Act means any substance falling under any of the following subparagraphs: *<Amended by Act No. 4122, Apr. 1, 1989; Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997>*

1. Opium poppy, opium and coca leaves:
2. All sorts of alkaloids extracted from opium poppy, opium and coca leaves, as prescribed by the Presidential Decree:
3. Chemical synthetics which tend to be abused or produce harmful effects similar to those enumerated in subparagraphs 1 and 2, which are prescribed by the Presidential Decree: and
4. Materials containing any of those substances mentioned in subparagraphs 1 through 3: *Provided*. That materials which through combination with another medicine, do not reproduce substances referred to in subparagraphs 1 through 3, and by which any physical and mental dependence may not develop, and which are specifically designated by the Ordinance of the Ministry of Health and Welfare, (hereinafter referred to as the "extra-narcotics") shall be excluded.

② The definition of opium poppy, opium and coca leaves referred to in paragraph ① 1 shall be as follows: *<Amended by Act No. 4632, Dec. 27, 1993>*

1. "Opium poppy" means "Papaver Somniferum L.", "Papaver Setigerum D.C." and other plants in the genus Papaverus as designated by the Presidential Decree:
2. "Opium" means the coagulation of the sap of poppy and its processed goods (excluding the goods processed into a medicine): and
3. "Coca leaves" means the leaves of coca tree (all sorts of plants in the genus Erythroxyton): *Provided*. That the leaves from which all ecgonine cocaine and ecgonine alkaloid are removed shall not be included. *<This Article Wholly Amended by Act No. 2612, Mar, 13, 1973>*

### Article 3 (Definition of Narcotics Handlers)

The term "narcotics handlers" used in this Act means those who fall under subparagraphs 1 through 9 and are licensed under this Act and those who fall under subparagraph 10: *<Amended by Act No. 1954, Apr. 7, 1967; Act No. 2612, Mar. 13, 1973; Act No. 3077, Dec. 31, 1977; Act No. 5483, Dec. 31, 1997>*

1. Narcotics importers : those who are engaged in the import of narcotics:

2. Narcotics manufacturers : those who are engaged in manufacturing narcotics (including transforming narcotics by chemical processes or purifying narcotics by chemical processes);
3. Pharmaceutical manufacturer of narcotics : those who are engaged in preparing medicines with narcotics (referring to processing narcotics without accompanying chemical changes, except for the process of purification);
4. Narcotics subdividers : those who are engaged in subdividing narcotics;
5. Narcotics wholesalers : those who are engaged in selling narcotics to narcotics retailers, narcotics handling physicians, narcotics controllers or academic researchers handling narcotics;
6. Narcotics retailers : those who are engaged in selling narcotics prepared in accordance with prescriptions made by narcotics handling physicians;
7. Narcotics controllers : pharmacists who are engaged in medical institutions under the Medical Service Act (hereinafter referred to as the "medical institutions") and who are responsible for the dispensation, reception and control of narcotics administered for a patient or supplied for purposes of medication by the medical institution concerned;
8. Academic researchers handling narcotics : those who use narcotics for the purpose of academic research;
9. Pharmaceutical manufacturer of extra-narcotics : those who are engaged in preparing extra-narcotics; and
10. Narcotics handling physicians : medical doctors or dentists engaged in medical treatment in medical institutions, or veterinarians engaged in animal care under the Veterinarians Act, who, for the purpose of medical treatment or animal care, prescribe narcotics, deliver narcotics for prescription, or issue prescriptions for narcotics. *<Amended by Act No. 5483, Dec. 31, 1997:>*

**Article 4 (Prohibition of Narcotics Handling by Incompetent Handlers)** No person other than a competent narcotics handler shall possess, own, control, import, manufacture, pharmaceutically manufacture, subdivide, dispense, administer, sell, buy, act as intermediate in selling or buying, receive or supply narcotics, use them for the purpose of academic research, issue prescriptions for narcotics or pharmaceutically manufacture extra-narcotics : *Provided*, That this provision shall not be applied to the cases falling under any of the following subparagraphs: *<Amended by Act No. 1954, Apr. 7, 1967; Act No. 3077, Dec. 31, 1977; Act No. 4122, Apr. 1, 1989. Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

1. Where a person possesses narcotics administered by a narcotics handling physician in accordance with the provisions of this Act;
2. Where a person possesses narcotics sold or given by a narcotics retailer in accordance with the provisions of this Act;
3. Where a person transports or controls narcotics on behalf of a narcotics handler.
4. Where a person controls narcotics attached, expropriated, or confiscated as his official duties; and
5. Other cases in which the approval of the Commissioner of the Korea Food and Drug Administration has been obtained as prescribed by the Presidential Decree. *< Amended by Act No. 5529, Feb. 28, 1998>*

**Article 5 (Restrictions on Narcotics Handling)**

- ① No narcotics handler shall conduct the acts referred to in the main sentence of Article 4 for purposes other than his business.
- ② Anyone who possesses, transports or controls narcotics in accordance with provisions of this Act shall not use them for other purposes. *<Amended by Act No. 1954, Apr. 7, 1967>*
- ③ If it is deemed necessary for the public interest, the Commissioner of the Korea Food and Drug Administration may prohibit or restrict the import, manufacture, pharmaceutical manufacture, subdivision or use of narcotics as prescribed by the Presidential Decree. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

- ④ No narcotics handler shall sell, store or display for the purpose of sale, any narcotics that are changed in quality, deteriorated, polluted, damaged, or out of date for use or effectiveness. <Newly Inserted by Act No. 5483, Dec. 31, 1997>

#### Article 6 (Prohibition of Ordinary Acts)

No one shall commit an act falling under any of the following subparagraphs: <Amended by Act No. 1954, Apr. 7, 1967; Act No. 4122, Apr. 1, 1989; Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

1. Use of narcotics without observing the provisions of this Act:
2. Export of narcotics:
3. Cultivation of any plants that are used as raw materials for narcotics: carrying, possessing, managing, exporting/importing, assisting in the transaction of, or receiving or giving substances containing narcotic components, seeds, or saplings: or extracting narcotic components: *Provided*, That when the approval of the Commissioner of the Korea Food and Drug Administration is obtained under the conditions as prescribed by the Presidential Decree, such acts shall not be subject to these provisions:
4. Deleted: <by Act No. 2612, Mar. 13, 1973>
5. An act of carrying, possessing, administering, importing, manufacturing, transacting, assisting in the transaction of, receiving or giving, delivering, utilizing, prescribing, or delivering for prescription the "diacetylmorphine", chemical bases, or substances containing the components thereof: *Provided*, That this shall not apply when permission is obtained from the Commissioner of the Korea Food and Drug Administration, pursuant to the Presidential Decree, for criminal examination or academic research:
6. An act of manufacturing, importing/exporting, transacting, assisting in the transaction of, receiving or giving, carrying, or possessing raw materials as prescribed by the Presidential Decree in order to produce narcotics: and
7. An act of providing other persons with a place, facilities, equipment, funds or means of transport for the conduct of an act prohibited under the main sentence of Article 4 and subparagraphs 1 through 6 of this Article.

## CHAPTER II LICENSE

#### Article 7 (License for Narcotics Handlers)

License of narcotics handlers shall be issued to persons who fall under any of the following subparagraphs under the conditions as prescribed by the Presidential Decree. The license referred to in subparagraphs 1, 2 and 7 shall be issued by the Commissioner of the Korea Food and Drug Administration, and the license referred to in subparagraphs 3 through 6 shall be issued by the Special Metropolitan City Mayor, the Metropolitan City Mayor, or *Do* governor (hereinafter referred to as the "Mayor/*Do* governor"). The same shall apply where any matters of a license are to be modified: <Amended by Act No. 2976, Dec. 31, 1976; Act No. 3077, Dec. 31, 1977; Act No. 4122, Apr. 1, 1989; Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

1. Importers of narcotics as prescribed by the Pharmaceutical Affairs Act who obtained the item license from, or made the item report to, the Commissioner of the Korea Food and Drug Administration:
2. Manufacturers, pharmaceutical manufacturers, subdividers of narcotics and pharmaceutical manufacturers of extra-narcotics who are licensed as manufacturers of medicines under the Pharmaceutical Affairs Act:
3. Wholesalers of narcotics who are licensed as wholesalers of medicines or registered as owners of pharmacies under the Pharmaceutical Affairs Act:
4. Narcotics retailers who are registered as owners of pharmacies under the Pharmaceutical

Affairs Act:

5. Deleted: <by Act No. 3077, Dec 31, 1977>
6. Narcotics controllers who are pharmacists working in a general hospital, dental clinic or medical institution employing narcotics handling physicians as prescribed by the Pharmaceutical Affairs Act: and
7. Academic researchers handling narcotics who need to use narcotics for academic research.

[This Article Wholly Amended by Act No. 1954, Apr. 7, 1967]

#### Article 8 (Delivery and Registration of License)

- ① When the agency granting a license under Article 7 (hereinafter referred to as the "licensing agency") grants a license for handling narcotics, it shall record matters concerning the license on a registry of narcotics handlers and deliver the license for narcotics handler. <Amended by Act No. 1954, Apr. 7, 1967; Act No. 4122, Apr. 1, 1989>
- ② Matters concerning the registration under paragraph ① shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 2612, Mar. 13, 1973; Act No. 4122, Apr. 1, 1989; Act No. 5483, Dec 31, 1997>

Article 9 Deleted. <by Act No. 2894, Apr. 7, 1976>

#### Article 10 (Prohibition of Transfer of License and Cancellation of License)

- ① No narcotics handler shall lend or transfer his license.
- ② If a narcotics handler terminates the business of handling narcotics by reason of transferring, closing, or resigning from the business, etc., he shall report the fact to the licensing agency concerned under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5483, Dec 31, 1997>
- ③ Where a narcotic handler falls under one of the following paragraphs, the concerned people must report the fact to the relevant licensing agency pursuant to the Ordinance of Ministry of Health and Welfare. <Amended by Act No. 5483, Dec 31, 1997>
  1. In the case of death: the inheritor (where the inheritor is unidentified, the manager of the inherited property assumes the duty of the inheritor. Hereinafter the same shall apply.);
  2. In the case of incompetency: the guardian; and
  3. In the case of the dissolution of a juristic person: the liquidator.
- ④ If the provisions of paragraph 1 are violated or if such cause as referred to in paragraph 2 or 3 occurs, the license concerned shall lose its effect.

[This Article Wholly Amended by Act No. 1954, Apr. 7, 1967]

#### Article 11 (Cancellation of Registration and Other Matters)

- ① If a cause falling under any of the following subparagraphs has occurred, the licensing agency shall cancel the registration of the narcotics handler concerned from the registry of narcotics handlers: <Amended by Act No. 1954, Apr. 7, 1967>
  1. Deleted: <by Act No. 2894, Apr. 7, 1976>
  2. When a license for a narcotics handler has been cancelled under Article 10; and
  3. When a license for a narcotics handler has been cancelled under Article 53.
- ② Except as provided by this Chapter, necessary matters concerning the alteration of registration on the registry of narcotics handlers, cancellation of registration, re-issuance or return of license, and license for narcotics handler shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 1954, Apr. 7, 1967; Act No. 5483, Dec 31, 1997>

## CHAPTER III CONTROL OF NARCOTICS

#### Article 12 (Restrictions on Receipt and Delivery)

- ① No narcotics handler shall receive narcotics transferred from a person other than a competent narcotics handler: *Provided*, That when authorization from the Commissioner of the Korea Food and Drug Administration has been secured in accordance with the provisions of Article

16 ①, this provisions shall not apply. *<Amended by Act No. 1954, Apr. 7, 1967; Act No. 3077, Dec. 31, 1977; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

② No narcotics handler may deliver narcotics in any case other than those as prescribed by this Act, except where it falls under any of the following subparagraphs, and the Commissioner of the Korea Food and Drug Administration approves it: *<Newly Inserted by Act No. 4122, Apr. 1, 1989; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

1. Where he desires to deliver narcotics held, possessed, or controlled by him to another narcotics handler due to a cancellation of permission for such item; and
2. Where he desires to hand narcotics over to an academic researcher handling narcotics or a person who has obtained approval for narcotics handling.

#### Article 13 (Specifications or Sale and Purchase)

① If a narcotics handler desires to buy, sell, deliver, or receive narcotics from another narcotics handler, he shall state necessary matters on such forms for purchase and sale of narcotics as issued by the Mayor/Do governor, and shall exchange such forms after signing his name or affixing his seal thereon. *<Amended by Act No. 1954, Apr. 7, 1967; Act No. 2976, Dec. 31, 1976; Act No. 4122, Apr. 1, 1989; Act No. 5483, Dec. 31, 1997>*

② Deleted. *<by Act No. 5483, Dec. 31, 1997>*

③ The specifications of purchase and sale of narcotics as referred to in paragraph ① shall be kept for two years from the date of their exchange.

#### Article 14 (Adjustment of Records)

① Every narcotics handler shall prepare a record book concerning the narcotics which he handles, and shall record thereupon the names and quantity of narcotics which are imported, manufactured, pharmaceutically manufactured, subdivided, received, transferred, prescribed, supplied for prescription, or used for academic research, the date of handling, the name and address of the other party, and the kinds of business and the registration number of the other party if this party is a narcotics handler.

② In case of a medical institution in which a narcotics controller exists, with regard to the narcotics administered or supplied for purposes of medication by the medical institution concerned, the narcotics controller shall adjust the records as referred to in paragraph ① regardless of the provisions of paragraph ①.

③ The record book as referred to in paragraphs ① and ② shall be kept for three years. *<Amended by Act No. 5483, Dec. 31, 1997>*

#### Article 15 (Disposal of Narcotics by Accidents)

If an accident falling under any of the following subparagraphs has occurred to the narcotics in his possession, the narcotics handler shall report the fact without delay to the licensing agency concerned under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare (in case of a narcotics handling physician, this licensing agency shall refer to the agency granting permission for establishment of medical institution or agency to which the medical institution concerned shall report; hereinafter the same shall apply): *<Amended by Act No. 3077, Dec. 31, 1977; Act No. 5483, Dec. 31, 1997>*

1. Loss caused by a disaster;
2. Loss or burglary; and
3. Change in quality or damage.

#### Article 16 (Disposal of Narcotics Possessed by Disqualified Persons)

① If a cause as referred to in subparagraphs of Article 11 ① occurs to a narcotics handler (excluding the narcotics controller), the narcotics handler, inheritor, his guardian, liquidator, or the juristic person remaining or newly established after a merger shall transfer the narcotics under his possession to other narcotic handlers after obtaining permission from a concerned license agency as prescribed in the Presidential Decree: *Provided*, That if the inheritor or

juristic person concerned is a narcotics handler, he may elect not to transfer the narcotics concerned after obtaining permission from a concerned license agency. *<Amended by Act No. 1954, Apr. 7, 1967; Act No. Dec. 31, 1997>*

- ② If a narcotics handler is subject to a disposition of suspension of business under Article 53, he shall surrender the narcotics in his possession (except for the case of a narcotics controller) and his license to the licensing agency concerned. *<Amended by Act No. 1954, Apr. 7, 1967>*
- ③ The narcotics and license surrendered under paragraph ② shall be returned to the narcotics handler concerned when the period of suspension of the business expires.

#### Article 17 (Storage of Narcotics)

Narcotics handlers and the persons referred to in subparagraphs 3 through 5 of the proviso of Article 4 shall store the narcotics which they possess or control in a secure place where a locking system is available, separate from other medicines. *<Amended by Act No. 5483, Dec. 31, 1997>*

#### Article 18 (Sealing of Narcotics)

① Narcotics importers, narcotics manufacturers, pharmaceutical manufacturers of narcotics, and subdividers of narcotics shall mark the indications as prescribed by the Ordinance of the Ministry of Health and Welfare on the boxes or packages of the narcotics imported, manufactured, pharmaceutically manufactured, or subdivided, and shall seal them with the seal stamp issued by the Government: *Provided*, That with regard to extra-narcotics, the sealing with seal stamps issued by the Government is not required. *<Amended by Act No. 1954, Apr. 7, 1967; Act No. 5483, Dec. 31, 1997>*

② Deleted. *<by Act No. 5483, Dec. 31, 1997>*

#### Article 19 (Unsealed Narcotics)

No narcotics handler shall receive or deliver those narcotics not sealed in accordance with the provisions of Article 18, unless permission of the Commissioner of the Korea Food and Drug Administration has been secured under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 1954, Apr. 7, 1967; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

## CHAPTER IV NARCOTICS HANDLER

#### Article 20 (Narcotics Importer)

- ① No person other than the narcotics importers as prescribed in this Act shall import narcotics.
- ② If a narcotics importer desires to import narcotics, he shall obtain permission for each item to be imported from the Commissioner of the Korea Food and Drug Administration under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. The same shall also apply where he desires to modify the approved matters. *<Amended by Act No. 2612, Mar. 13, 1973; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

#### Article 21 (Imported Narcotics)

No narcotics importer shall transfer the narcotics imported to persons other than narcotics manufacturers, pharmaceutical manufacturers, subdividers, narcotics wholesalers, and pharmaceutical manufacturers of extra-narcotics.

#### Article 22 (Reports on Import of Narcotics)

When a narcotics importer imports narcotics, he shall report the matters related to importing to the Commissioner of the Korea Food and Drug Administration in accordance with the Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

*[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]*

#### Article 23 (Narcotics Manufacturer)

- ① No person other than the narcotics manufacturers as prescribed in this Act shall manufacture

narcotics. *<Amended by Act No. 1954, Apr. 7, 1967>*

- ② If a narcotics manufacturer desires to manufacture narcotics, he shall obtain permission for each item from the Commissioner of the Korea Food and Drug Administration under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. The same shall also apply where he desires to modify the approved matters. *<Amended by Act No. 2612, Mar. 13, 1973; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

- ③ Deleted. *<by Act No. 5483, Dec. 31, 1997>*

**Article 24 (Narcotics Manufactured)** No narcotics manufacturer shall transfer the narcotics manufactured to persons other than narcotics manufacturers, pharmaceutical manufacturers of narcotics, subdividers, narcotics wholesalers, and pharmaceutical manufacturers of extra-narcotics.

**Article 25 (Report on Manufacturing of Narcotics)**

Where a narcotics manufacturer has manufactured narcotics, he shall report the matters related to manufacturing to the Commissioner of the Korea Food and Drug Administration under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

*[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]*

**Article 26 (Pharmaceutical Manufacturer of Narcotics)**

- ① No persons other than pharmaceutical manufacturers of narcotics under the provisions of this Act shall manufacture narcotics. *<Amended by Act No. 1954, Apr. 7, 1967>*

- ② If a pharmaceutical manufacturer of narcotics desires to manufacture narcotic medicine, he shall obtain permission for each item from the Commissioner of the Korea Food and Drug Administration under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. The same shall also apply where he desires to modify matters in the permission. *<Amended by Act No. 2612, Mar. 13, 1973; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

- ③ Deleted. *<by Act No. 5483, Dec. 31, 1997>*

**Article 27 (Pharmaceutically Manufactured Narcotics)**

No pharmaceutical manufacturer of narcotics shall transfer the narcotics manufactured to persons other than narcotics wholesalers.

**Article 28 (Report of Manufacturing of Pharmaceutical Narcotics)**

When a pharmaceutical manufacturer of narcotics has manufactured pharmaceutical narcotics, he shall report the matters related to manufacturing to the Commissioner of the Korea Food and Drug Administration under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

*[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]*

**Article 29 (Narcotics Subdivider)**

- ① No person other than the narcotics subdivider as prescribed by this Act shall subdivide narcotics.

*<Amended by Act No. 1954, Apr. 7, 1967>*

- ② If a narcotics subdivider desires to subdivide narcotics, he shall obtain permission for each item from the Commissioner of the Korea Food and Drug Administration under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. The same shall also apply where he desires to modify the matters in the permission. *<Amended by Act No. 2612, Mar. 13, 1973; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

- ③ Deleted. *<by Act No. 5483, Dec. 31, 1997>*

**Article 30 (Subdivided Narcotics)**

No narcotics subdivider shall transfer the subdivided narcotics to persons other than the narcotics wholesalers.

**Article 31 (Report of Subdivision of Narcotics)**

When a narcotics subdivider has subdivided narcotics, he shall report the matters related to the subdivision to the Commissioner of the Korea Food and Drug Administration under the



conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

*[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]*

#### **Article 32 (Narcotics Wholesaler)**

The narcotics wholesalers as prescribed in this Act shall not transfer narcotics to persons other than the narcotics retailers, narcotics handling physicians, narcotics controllers and academic researchers handling narcotics in the Special Metropolitan City, Metropolitan City or *Do* in which his shop is located: *Provided*, That where he has obtained permission for transfer from the licensing agency concerned, these provisions shall not apply. *<Amended by Act No. 1954, Apr. 7, 1967; Act No. 4122, Apr. 1, 1989; Act No. 5483, Dec. 31, 1997>*

#### **Article 33 (Report on Wholesale of Narcotics)**

When a narcotics wholesaler sells narcotics, he shall report the matters related to the sale to the Mayor/*Do* governor under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 4122, Apr. 1, 1989; Act No. 5483, Dec. 31, 1997>*

*[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]*

#### **Article 34 (Narcotics Retailer)**

① No person other than the narcotics retailer as prescribed by this Act shall transfer narcotics prepared in accordance with the prescriptions for narcotics which have been issued by narcotics handling physicians: *Provided*, That where a narcotics handling physician delivers narcotics prepared in accordance with his own prescription for purposes of medication, these provisions shall not apply. *<Amended by Act No. 1954, Apr. 7, 1967>*

② Narcotics retailers shall preserve the prescriptions for narcotics which he has prepared for two years. *<Amended by Act No. 1954, Apr. 7, 1967>*

#### **Article 35 (Report on Retail of Narcotics)**

When a narcotics retailer has sold narcotics, he shall report the matters related to the sales to the relevant licensing agency under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 5483, Dec. 31, 1997>*

*[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]*

#### **Article 36 (Narcotics Handling Physicians)**

No person other than narcotics handling physicians as prescribed in this Act shall, for the purpose of medical treatment or animal care, prescribe narcotics or deliver narcotics for prescription or issue prescriptions for narcotics. *<Amended by Act No. 1954, Apr. 7, 1967; Act No. 5483, Dec. 31, 1997>*

#### **Article 37 (Record on Medication)**

① A narcotics handling physician shall keep records of and furnish the address, name (for animals, the classification of the animal and the owner's name and address), age, gender, name of disease, main symptoms of person to whom he prescribed narcotics and delivered prescriptions, doses of prescription, the type and name, quantity, and date of narcotics delivered for prescription, separate from other general medicines. *<Amended by Act No. 5483, Dec. 31, 1997>*

② The records referred to in paragraph ① shall be kept for two years.

③ With regard to paragraphs ① and ②, where a medical institution has a narcotics controller, the narcotics controller shall record, furnish, and preserve the records. *<Amended by Act No. 5483, Dec. 31, 1997>*

#### **Article 38 (Listing in Prescription)**

① When a narcotics handling physician issues prescriptions for narcotics, he shall state in the prescriptions, the address of issuer, location of business, business title or name, and license number of the medical business with signature or stamp, and shall record the name, address, sex, age, name of disease of the patient who has received the prescription, and date of issuance of the prescription, and shall make and furnish the record separately from their general medicines: *Provided*, That where the narcotics handling physician records in the medical treatment record the type and name of narcotics he uses, prescribes, or delivers in person,

this shall not apply. <Amended by Act No. 3077, Dec. 31, 1977; Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997>

② The provisions of Article 37 ② and ③ shall apply *mutatis mutandis* to paragraph ①.

**Article 39 Deleted.** <by Act No. 3077, Dec. 31, 1977>

**Article 40 (Narcotics Controller)**

① The representative of the general hospital, dental clinic, or medical institution employing four or more narcotics handling physicians in medical practice in accordance with the provisions of the Medical Service Act shall have one narcotics controller as prescribed in this Act. <Amended by Act No. 1954, Apr. 7, 1967; Act No. 2976, Dec. 31, 1976>

② If a narcotics controller as referred to in paragraph ① has had his registration on the registry of narcotics handlers or his license as a narcotics handler cancelled in accordance with the provisions of this Act, the representative of the medical institution concerned shall cause him to transfer narcotics under his control to a narcotics handling physician at the institution concerned until a new narcotics controller shall be appointed, and shall report the reason to the concerned licensing agency. <Amended by Act No. 1954, Apr. 7, 1967>

③ The provisions of paragraph ② shall apply *mutatis mutandis* where a narcotics controller has his business suspended in accordance with the provisions of Article 53.

**Article 41 (Control)**

A medical institution employing a narcotics controller shall not medicate or deliver narcotics for purposes of medication except for those received or controlled by the narcotics controller concerned in the same medical institution for purposes of medication or for purposes of delivery for use in medication.

**Article 42 (Narcotics Handling Academic Researchers)**

No other person than the narcotics handling academic researchers as prescribed in this Act shall use narcotics for purposes of academic research. <Amended by Act No. 1954, Apr. 7, 1967>

**Article 43 (Report on Use of Narcotics in Academic Research)** If a narcotics handling academic researcher has used narcotics for academic research, he shall report the matters related to the use and research to the Commissioner of the Korea Food and Drug Administration under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare <Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]

**Article 44 (Pharmaceutical Manufacturer of Extra-Narcotics)**

① No person other than the pharmaceutical manufacturer of extra-narcotics as prescribed in this Act shall pharmaceutically manufacture extra-narcotics <Amended by Act No. 1954, Apr. 7, 1967>

② If a pharmaceutical manufacturer of extra-narcotics desires to manufacture extra-narcotics, he shall obtain permission for each item from the Commissioner of the Korea Food and Drug Administration under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. The same shall apply where he desires to modify permitted matters. <Amended by Act No. 2612, Mar. 13, 1973; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

③ Deleted. <by Act No. 5483, Dec. 31, 1997>

**Article 44-2 (Restriction on Permission)**

In granting a license or permission as prescribed in Articles 7, 20, 23, 26, 29 and 44, the Commissioner of the Korea Food and Drug Administration or Mayor/Do Governor may refuse to grant license or permission to specific restricted areas or items when he recognizes the possibility of danger and damage to national health as a result of the misuse or abuse of narcotics. In this case, the matters concerning such specific areas or items shall be announced publicly in advance. <Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

[This Article Newly Inserted by Act No. 4632, Dec. 27, 1993]

**Article 45 (Pharmaceutically Manufactured Extra-Narcotics)**

- ① When a pharmaceutical manufacturer of extra-narcotics transfers the extra-narcotics manufactured, he shall record and furnish the names, quantity of extra-narcotics, date of transfer, address and name of other party, and the class and registration number of the license of the other party, if the other party is a narcotic handler.
- ② The provisions of Article 37 ② shall apply *mutatis mutandis* to cases as referred to in paragraph ①.

**Article 46 (Report of Pharmaceutical Manufacture of Extra-Narcotics)** When a pharmaceutical manufacturer of extra-narcotics has manufactured extra-narcotics, he shall report the matters concerning the manufacture of extra-narcotics to the Commissioner of the Korea Food and Drug Administration under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 4122, Apr. 1, 1989; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998> [This Article Wholly Amended by Act No. 2612, Mar. 13, 1973].

**Article 46-2 (Furnishing of Transaction Records of Extra-Narcotics)**

- ① A person who owns a pharmacy or sell medicine shall make and furnish a record book of transactions of extra-narcotics, and when he sells extra-narcotics, he shall record the fact in the record book and have the other party sign or stamp on it. <Amended by Act No. 5483, Dec. 31, 1997>
- ② Necessary matters with regard to the methods of records and the signature or stamp as referred to in paragraph ① shall be prescribed by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5483, Dec. 31, 1997>
- ③ The provisions of Article 37 ② shall apply *mutatis mutandis* to the cases as referred to in paragraph ①.

[This Article Newly Inserted by Act No. 2976, Dec. 31, 1976]

**Article 46-3 (Limitation on Sale of Extra-Narcotics)**

- ① No person shall sell extra-narcotics to persons falling under any of the following subparagraphs: <Amended by Act No. 4632, Dec. 27, 1993>
1. Persons under eighteen years of age; and
  2. Mentally-handicapped or persons addicted to narcotics or other medicines.
- ② When an owner of a pharmacy or a seller of medicine (excluding wholesalers of medicine) sells extra-narcotics, he shall not exceed the quantity as determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5483, Dec. 31, 1997>
- ③ The provisions of Article 38 of the Pharmaceutical Affairs Act shall apply *mutatis mutandis* to matters to be observed for maintaining order in the selling of extra-narcotics, which are not prescribed by this Act. <Newly Inserted by Act No. 4122, Apr. 1, 1989>

[This Article Newly Inserted by Act No. 2976, Dec. 31, 1976]

**Article 46-4 (Obligation of Narcotics Manufacturers for Management)**

- ① Narcotics manufacturers, pharmaceutical manufacturer of narcotics, narcotics subdividers and pharmaceutical manufacturers of extra-narcotics shall assign pharmacists to their business places, and have them manage affairs concerning narcotics and extra-narcotics. In this case, the office of pharmacist may be held concurrently by the medicine manufacture manager as prescribed by Article 29 of the Pharmaceutical Affairs Act.
- ② Pharmacists as referred to in paragraph ① shall observe matters as prescribed by the Ordinance of the Ministry of Health and Welfare with respect to the direction and control of employees engaged in such affairs, quality control, and other affairs concerning narcotics and extra-narcotics. <Amended by Act No. 5483, Dec. 31, 1997>

[This Article Newly Inserted by Act No. 4122, Apr. 1, 1989]

**Article 46-5 (Permission on New Medicine)**

In the cases as prescribed in Articles 20 ②, 23 ②, 26 ②, 29 ② and 44 ②, if the item to be permitted is a new medicine as prescribed by the Pharmaceutical Affairs Act, or such item as designated by the Commissioner of the Korea Food and Drug Administration, the written result of test on the safety and effectiveness, relevant literature, and other necessary materials shall

be presented under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. In this case, if it is desired to manufacture the item for a clinical test and conduct such test for preparing the written result of the test, it shall conform to the criteria as determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

[This Article Newly Inserted by Act No. 4632, Dec. 27, 1993]

#### Article 46-6 (Reexamination over New Medicine)

① The items for which permission has been obtained under Articles 20 ②, 23 ②, 26 ②, 29 ② and 44 ②, and which fall under the former part of Article 46-5, shall be subject to reexamination by the Commissioner of the Korea Food and Drug Administration, within three months at the expiration of four to six years after such permission is granted. <Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

② Matters necessary for the method, procedure, time, etc. of the reexamination as referred to in paragraph ①, shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5483, Dec. 31, 1997>

[This Article Newly Inserted by Act No. 4632, Dec. 27, 1993]

#### Article 46-7 (Revaluation of Item)

① With respect to any item for which permission has been obtained under Articles 20 ②, 23 ②, 26 ②, 29 ② and 44 ②, and which are deemed to require an examination on the safety and effectiveness by efficacy or ingredient, the Commissioner of the Korea Food and Drug Administration may conduct a revaluation. <Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

② Matters necessary for the method, procedure, etc. of the revaluation referred to in paragraph ①, shall be determined by the Commissioner of the Korea Food and Drug Administration.

<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

[This Article Newly Inserted by Act No. 4632, Dec. 27, 1993]

## CHAPTER V NARCOTIC ADDICTS

Article 47 Deleted. <by Act No. 4632, Dec. 27, 1993>

#### Article 48 (Prohibition of Use of Narcotics)

No narcotics handling physician shall prescribe narcotics to a narcotic addict, or deliver narcotics to him for purposes of medication, or issue him a prescription on which narcotics are listed, in order to mitigate or cure his toxic symptoms: *Provided*, That when permission of the Commissioner of the Korea Food and Drug Administration or Mayor/Do governor has been obtained, it shall be exceptionally allowed in treatment and protection institutions as referred to in Article 50. <Amended by Act No. 1954, Apr. 7, 1967; Act No. 4122, Apr. 1, 1989; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

#### Article 49 (Report on Narcotic Addicts)

If the director of a treatment and protection institution under Article 50 and a medical person under Article 2 of the Medical Service Act has diagnosed that a patient is addicted by narcotics, he shall report without delay the name, address, age and sex of the addicted patient and the name of narcotics by which he has been addicted, to the Commissioner of the Korea Food and Drug Administration through the Mayor/Do governor concerned. The same shall apply, when he has treated narcotic addicts or diagnosed his death. <Amended by Act No. 4122, Apr. 1, 1989; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

[This Article Wholly Amended by Act No. 1954, Apr. 7, 1967]

#### Article 50 (Treatment and Protection of Narcotic Addicts)

① In order to discriminate whether a drug user becomes addicted to narcotics or not, or to treat and protect any person who is turned out to be a narcotic addict, the Commissioner

of the Korea Food and Drug Administration or the Mayor/*Do* governor may establish, operate or designate a treatment and protection institution. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

- ② The Commissioner of the Korea Food and Drug Administration or the Mayor/*Do* governor may have a drug user undergo a discriminating examination on whether or not he has become addicted to narcotics, in a treatment and protection institution under paragraph ①, or have a person who is turned out to be a narcotic addict, receive the treatment and protection. In this case, the period of discriminating examination shall be not longer than one month, and the treatment and protection period shall be not longer than six months. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*
- ③ If the Commissioner of the Korea Food and Drug Administration or the Mayor/*Do* governor desires to conduct a discriminating examination or any treatment and protection under paragraph ②, he shall be subject to a deliberation of the treatment and protection review committee. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*
- ④ In order to deliberate matters concerning the discriminating examination and the treatment and protection under paragraph ③, the treatment and protection review committees shall be established in the Korea Food and Drug Administration, the Special Metropolitan City, Metropolitan Cities, and *Dos*. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*
- (5) Matters necessary for the establishment, operation and designation of the treatment and protection institutions, the discriminating examination, treatment and protection, and composition, operation, duties, etc. of the treatment and protection review committee under paragraphs ① through ④ shall be established by the Presidential Decree.

*[This Article Wholly Amended by Act No. 4122, Apr. 1, 1989]*

## CHAPTER VI SUPERVISION AND CONTROL

### Article 51 (Entry, Inspection and Removal)

- ① If it is deemed necessary for supervision and control of narcotics handling, the Commissioner of the Korea Food and Drug Administration or the Mayor/*Do* governor may cause his subordinate public officials to enter the office, factory, warehouse, pharmacy, place of preparation of narcotics of narcotics handler and other places connected with narcotics and to inspect its structure, facilities, status of business, records, medicines and other articles, and may have them remove narcotics or medicines deemed connected with narcotics in a quantity required for experimental purposes under the conditions as prescribed by the Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 4122, Apr. 1, 1989; Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*
- ② If a competent public official enters and conducts an inspection or removes narcotics in accordance with the provisions of paragraph ①, he shall carry with him a certificate indicating his identity and shall present it to other parties concerned. *<Amended by Act No. 4632, Dec. 27, 1993>*

### Article 52 (Business Report)

The licensing agency may order a narcotics handler to report necessary matters concerning his business. *<Amended by Act No. 1954, Apr. 7, 1967>*

### Article 53 (Cancellation of License and Suspension of Business)

- ① If a narcotics handler violates this Act, orders issued or dispositions taken under this Act or other Acts and subordinate statutes relating to narcotics, a competent licensing agency may cancel the license of a narcotics handler concerned or order suspension of his business or suspensions of use the whole or part of the narcotics: *Provided*, That in case of narcotics and extra-narcotics which have inflicted or might inflict any injury on national health, if it is not attributable to the handler, and it is deemed that the object of license is attainable through a modification of ingredients or medical prescription of the narcotics and extra-narcotics,

it is possible to order only such modification. *<Amended by Act No. 1954, Apr. 7, 1967; Act No. 4122, Apr. 1, 1989>*

- ② If an owner of a pharmacy or a seller of medicines who sells extra-narcotics, violates this Act, or orders issued or dispositions taken under this Act, a competent registration agency or licensing agency may order the suspension of the whole or part of his business for a designated period. *<Newly Inserted by Act No. 3077, Dec. 31, 1977>*
- ③ A person who has his narcotics license cancelled under paragraph ① may not obtain a license within two years after cancellation. *<Newly Inserted by Act No. 2612, Mar. 13, 1973>*
- ④ The criteria for the administrative disposition as referred to in paragraphs ① and ② shall be determined by the Ordinance of the Ministry of Health and Welfare. *<Newly Inserted by Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997>*

#### Article 53-2 (Hearing)

When the license agency is to cancel the license of a narcotics handler pursuant to the provisions of Article 53 ①, it shall hold a hearing.

*[This Article Wholly Amended by Act No. 5453, Dec. 13, 1997]*

#### Article 53-3 (Disposition of Penalty)

- ① Where the Commissioner of the Korea Food and Drug Administration or Mayor/Do governor takes a disposition of business suspension as prescribed in Article 53 ① against a narcotics handler, he may impose a penalty not exceeding one hundred million won in lieu of the disposition of business suspension, under the conditions as prescribed by the Presidential Decree. In this case, the imposition of the penalty shall be limited only where such disposition of business suspension might cause a great danger and injury against national health, and it may not be imposed in excess of three times. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*
- ② The amount of the penalty according to the category, degree, etc. of the offense for which the penalty is imposed under paragraph ①, and other necessary matters, shall be determined by the Presidential Decree.
- ③ If the penalty as referred to in paragraph ① is not paid within the time limit, the Commissioner of the Korea Food and Drug Administration or Mayor/Do governor shall collect it according to the examples of the disposition of national or local taxes in arrears. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

*[This Article Newly Inserted by Act No. 4632, Dec. 27, 1993]*

#### Article 54 (Disposition of Illegal Narcotics)

The Commissioner of the Korea Food and Drug Administration may confiscate or take other necessary actions against narcotics possessed, owned, controlled, cultivated, imported, manufactured, pharmaceutically manufactured, subdivided, sold, purchased, received, transferred, medicated, delivered for the purposes of medication or used for the purposes of preparing medicines or research in violation of this Act or other Acts and subordinate statutes relating to narcotics. *<Amended by Act No. 1954, Apr. 7, 1967; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

#### Article 55 (Narcotics Inspector)

- ① In order to perform the duties of public officials concerned and supervisory affairs concerning narcotics under Articles 50 ② and 51 ①, narcotics inspectors shall be assigned to the Korea Food and Drug Administration, the Special Metropolitan City, Metropolitan Cities, and Dos. *<Amended by Act No. 4122, Apr. 1, 1989; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*
- ② The qualification, scope of duty and other necessary matters concerning narcotics inspectors shall be determined by the Presidential Decree. *<Amended by Act No. 2612, Mar. 13, 1973>*
- ③ and ④ Deleted. *<by Act No. 4122, Apr. 1, 1989>*

#### Article 55-2 (Honorary Narcotics Advisor)

- ① In order to prevent the misuse/abuse of narcotics and provide information and give guidance to the public, an honorary narcotics advisor may be appointed in the Korea Food and Drug

Administration, Special Metropolitan City, Metropolitan City, *Do/Shi/Kun/Ku* (limited only to the self-governing *Ku*). *<Amended by Act No. 5529, Feb. 28, 1998>*

- ② The qualifications and scopes of duties of the honorary narcotics advisor and other necessary matters shall be prescribed by the Presidential Decree.

*[This Article Newly Inserted by Act No. 5483, Dec. 31, 1997]*

**Article 55-3 (Education of Narcotics Handlers)**

- ① Narcotics handlers must receive education about the control of narcotics from the Korea Food and Drug Administration or Mayor/*Do* governor. *<Amended by Act No. 5529, Feb. 28, 1998>*

- ② Necessary matters concerning method, numbers, and contents of the education shall be prescribed by the Ordinance of Ministry of Health and Welfare.

*[This Article Newly Inserted by Act No. 5483, Dec. 31, 1997]*

**Article 55-4 (Control over Raw Materials)**

- ① Any person who imports, exports, gives, receives, sells or purchases the raw materials as prescribed in subparagraph 6 of Article 6, in excess of the quantity as determined by the Presidential Decree, shall prepare a record on the transaction, and keep it for two years, except in the following cases:

1. Where a record on the transaction is prepared and kept under the Pharmaceutical Affairs Act:
2. Where a record on the transaction is prepared and kept under the Toxic Chemicals Control Act:
3. Where a mixture of raw materials is transacted: and
4. Where the transaction is prescribed by the Presidential Decree, and it is a legal transaction carried out in the course of normal business.

- ② If a person who manufactures, imports, exports, sells or purchases any raw materials (hereinafter referred to as the "handler of raw materials"), falls under any of the following subparagraphs, he shall report the fact without delay to the Minister of Justice or the Commissioner of the Korea Food and Drug Administration: *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

1. Where the purpose for purchasing raw materials is obscure and it is possible that the raw materials may be used for illegal manufacture of the narcotics: and
2. Where excessive portions of raw materials as referred to in paragraph ① are stolen or missing, or other accident occurs.

- ③ Any raw material handler who has made a report to the Minister of Justice or the Commissioner of the Korea Food and Drug Administration, or any public official who has received the report under paragraph ②, shall keep such matters secret. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

- ④ Matters necessary for preparing, keeping and reporting the record of transaction referred to in paragraphs ① and ② shall be determined by the Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 5483, Dec. 31, 1997>*

*[This Article Newly Inserted by Act No. 4632, Dec. 27, 1993]*

## CHAPTER VII SUPPLEMENTARY PROVISIONS

**Article 56 (Collection of Data Concerning Narcotics)**

The Minister of Health and Welfare and the Commissioner of the Korea Food and Drug Administration may collect related information from any of government agencies about the implementation of this Act and other narcotics related statues, and may ask them to submit their data with respect to necessary matters concerning narcotics. *<Amended by Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

**Article 56-2 (Limitation on Advertisement)**

- ① Narcotics shall not be advertised in a manner other than advertisement in special newspapers

or magazines handling matters concerning pharmacy or medicine.

- ② The standards for narcotics advertisement shall be determined by the Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 5483, Dec. 31, 1997>*

*[This Article Newly Inserted by Act No. 2612, Mar. 13, 1973]*

**Article 57 (Disposition of Confiscated Narcotics)**

- ① Narcotics confiscated under this Act or other Acts and subordinate statutes shall be transferred to the Mayor/Do governor. *<Amended by Act No. 4122, Apr. 1, 1989>*
- ② When the Mayor/Do governor receives narcotics under paragraph ①, he shall destroy them or take other necessary measures. *<Amended by Act No. 4122, Apr. 1, 1989>*
- ③ Matters concerning the measures under paragraph ② shall be determined by the Presidential Decree.

Article 57-2 Deleted. *<by Act No. 5483, Dec. 31, 1997>*

**Article 58 (Reward)**

Any person who has informed or lodged a complaint to an investigating agency before the crimes on narcotics as prescribed in this Act or other Acts and subordinate statutes are detected, or who has arrested criminals, shall be given a reward under the conditions as prescribed by the Presidential Decree.

*[This Article Wholly Amended by Act No. 4122, Apr. 1, 1989]*

**Article 58-2 (Fees)**

Where a person wants to obtain permission or license, or wants changes in or reissue of a license certificate under this Act, he shall pay fees as prescribed by the Ordinance of the Ministry of Health and Welfare. *<Amended by Act No. 5483, Dec. 31, 1997>*

*[This Article Newly Inserted by Act No. 2612, Mar. 13, 1973]*

**Article 59 (Delegation of Authority)**

The authority of Mayor/Do governor under this Act may be delegated partially to the Commissioner of the Korea Food and Drug Administration, the Mayor/Do governor, or to the head of the Shi/Kun/Ku (limited to the head of the self-governing Ku), under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 5483, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

*[This Article Wholly Amended by Act No. 4632, Dec. 27, 1993]*

## CHAPTER VIII PENAL PROVISIONS

**Article 60 (Penal Provisions)**

- ① Any person who falls under any of the following subparagraphs shall be punished by imprisonment for life or not less than five years: *<Amended by Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997>*
1. A person who exports, imports, manufactures, pharmaceutically manufactures, subdivides, sells, purchases, mediates any sale or purchase of narcotics, or who holds narcotics with the intention of import, export, manufacture, pharmaceutical manufacture, subdivision, sale, purchase, or mediation of any sale or purchase, in contravention of the provisions of Article 4, subparagraphs 2, 3 and 5 of Article 6, Article 20 ①, 23 ①, 26 ① or 29 ①; and
  2. A person who manufactures, imports, or exports any substances which are the raw materials of narcotics with the intention of manufacturing them, or who holds or owns such substances with the intention of manufacturing, importing or exporting them, in contravention of the provisions of subparagraph 6 of Article 6.
- ② Any person who has committed the crime as referred to in paragraph ① for profitable or habitual purposes shall be punished by the death penalty or imprisonment for life or not less than ten years.
- ③ An attempt to commit the crimes as prescribed by paragraphs ① and ② shall be punished.
- ④ Any person who has plotted or prepared for the purpose of committing a crime as referred to in paragraphs ① and ② shall be punished by imprisonment for not more than ten years.



*[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]*

**Article 61 (Penal Provisions)**

① Any person falling under any of the following subparagraphs shall be punished by imprisonment for a definite term of one year or more: *<Amended by Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997>*

1. A person who has possessed, owned, managed, given or taken narcotics in contravention of the provisions of Article 4, or who has pharmaceutically manufactured extra-narcotics in contravention of the provisions of Article 44 ①;
  2. A person who cultivates plants which are the raw materials of narcotics, or possesses, owns, manages, gives or takes raw materials, seeds or seedlings containing ingredients of narcotics, or extracts such ingredients, in contravention of the provisions of subparagraph 3 of Article 6;
  3. A person who has possessed, owned, managed, given, received, transported, used, medicated or delivered for the purpose of medication "diacetylmorphine", its salts or others containing them, in contravention of the provisions of subparagraph 5 of Article 6; and
  4. A person who sells, purchases, mediates the sale or purchase of, gives or receives, any substances which are the raw materials of the narcotics, or who holds or owns such substances with the intention of selling, purchasing, mediating the sale or purchase of, giving or receiving them, in contravention of the provisions of subparagraph 6 of Article 6.
- ② An attempt to commit the crimes as prescribed in paragraph ① shall be punished.
- ③ Any person who has habitually committed the crimes referred to in paragraph ①, shall be punished by imprisonment for a definite term of three years or more.

*[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]*

**Article 62 (Penal Provisions)**

① Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than ten years or a fine not exceeding one hundred million won: *<Amended by Act No. 4122, Apr. 1, 1989; Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997>*

1. A person who has violated the provisions of Article 5 ① and ②, 12 ①, 34 ①, 36, 42 or 48; and
  2. A person who has used narcotics in contravention of the provisions of subparagraph 1 of Article 6, or who has offered another person a place, facilities, equipment, funds or transporting means for conducting a prohibited act under subparagraph 7 of the said Article.
- ② An attempt of the crime as prescribed in paragraph ① shall be punished.
- ③ Any person who has committed the crime as referred to in paragraph ①, shall be punished by imprisonment for a definite term of one year or more

*[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]*

**Article 63 (Penal Provisions)**

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than three years or a fine not exceeding thirty million won: *<Amended by Act No. 4122, Apr. 1, 1989; Act No. 5483, Dec. 31, 1997>*

1. A person who has violated the provisions of Articles 10 ①, 12 ②, 20 ②, 21, 23 ②, 24, 26 ②, 27, 29 ②, 30, 32, and 44 ②; and
2. Narcotics handlers who have become the other party of acts violating the provisions of Articles 12 ②, 21, 24, 27, 30 and 32.

**Article 64 (Penal Provisions)**

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than two years or a fine not exceeding twenty million won: *<Amended by Act No. 4122, Apr. 1, 1989; Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997>*

1. A person who has violated the provisions of Articles 5 ④, 13, 14, 16 ①, 18 ①, 19, 34 ②, 37, 38, 40 ①, 41, 45 and 46-3 ③;
2. A person who made false statements on certificates of purchase or sale as prescribed in

Article 13 ①. notebook as prescribed in Article 14 ①. records as prescribed in Article 37 ① or prescriptions as prescribed in Article 38 ①:

3. A person who has failed to make reports or made false reports as prescribed in Articles 15, 22, 25, 28, 31, 33, 35, 40 ② and ③, 43, 46, 49 and 52:
4. A person who has not transferred narcotics to narcotics handlers in violation of the provisions of Articles 16, and 40 ② and ③:
5. A person who has refused, obstructed or evaded entry, examination or removal under Article 51 ①. or dispositions under Article 54: and
6. A person who has conducted business during a period of business suspension under Article 53.

#### Article 65 (Penal Provisions)

① Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than two years or a fine not exceeding twenty million won: *<Amended by Act No. 4122, Apr. 1, 1989; Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997>*

1. Deleted: *<by Act No. 4632, Dec. 27, 1993>*
2. A person who has deserted or concealed a person deserted from a treatment and protection institution as prescribed in Article 50 ① without any justifiable reason:
3. A person who refuses, interferes with or evades a narcotic addict discriminating inspection or treatment and protection under Article 50 ② without any justifiable reason:
4. A person who transacts raw materials with them divided in small lots, with the intention of evading the obligation to prepare the record as prescribed in Article 55-2 ①: and
5. A person who violates the provisions of Article 55-2 ① through ③.

② An attempt of the crime as prescribed in paragraph ① 2 through 4 shall be punished. *<Newly Inserted by Act No. 2612, Mar. 13, 1973; Act No. 4632, Dec. 27, 1993>*

③ A person who has committed habitually the crime as referred to in paragraph ① 2 through 4, shall be punished by imprisonment for a definite term of one year or more. *<Newly Inserted by Act No. 2612, Mar. 13, 1973; Act No. 4632, Dec. 27, 1993>*

#### Article 66 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by a fine not exceeding ten million won: *<Amended by Act No. 1954, Apr. 7, 1967; Act No. 2976, Dec. 31, 1976; Act No. 3077, Dec. 31, 1977; Act No. 4122, Apr. 1, 1989; Act No. 5483, Dec. 31, 1997>*

1. A person who has failed to make reports as prescribed in Article 10 ② and ③, or failed to return licenses as prescribed in Article 16 ①: and
2. A person who has violated the provisions of Article 17, 46-2, 46-3 ① and ②, or 56-2.

#### Article 67 (Criminal Attempt)

An attempt to commit the crime as prescribed in Article 63 or 64 shall be punished.

*[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]*

#### Article 68 (Aggravation)

A person who has habitually committed a crime as prescribed in Article 63, 64, or 66 shall be punished by a weighted penalty not exceeding one half of the penalty for each crime concerned.

*[This Article Wholly Amended by Act No. 2612, Mar. 13, 1973]*

#### Article 69 (Additional Imposition of Suspension of Qualification or Fine)

① For crimes as prescribed under Articles 60 and 61, suspension of qualification for not more than ten years or a fine not exceeding one hundred million won may be imposed additionally. *<Amended by Act No. 5483, Dec. 31, 1997>*

② Where a person commits the crimes as prescribed in Article 62 through 65, suspension of qualification for not more than 5 years or the fine prescribed in the concerned Article (limited to the punishment of imprisonment) may be imposed additionally. *<Amended by Act No. 5483, Dec. 31, 1997>*

#### Article 70 (Confiscation)

Narcotics and facilities, equipment, funds or transporting means and profits derived from it shall be confiscated: *Provided*, That if confiscation is impossible, the value of narcotics shall be forfeited. <Amended by Act No. 1954, Apr. 7, 1967; Act No. 4122, Apr. 1, 1989>

#### Article 71 (Joint Penal Provisions)

If the representative of a juristic person or the agent, employee, or other worker of a juristic person or an individual commits a crime as prescribed in this Act with regard to the narcotics business of the juristic person or the individual, a fine not exceeding one hundred million won shall also be imposed on the juristic person or the individual, in addition to the punishment imposed on the concerned offender: *Provided*, That if a crime falls under one of those provisions prescribed in Article 63 through Article 66, the fine as prescribed in the concerned Article shall be imposed. <Amended by Act No. 1954, Apr. 7, 1967; Act No. 3077, Dec. 31, 1977; Act No. 4632, Dec. 27, 1993; Act No. 5483, Dec. 31, 1997>

### ADDENDA

#### Article 72 (Enforcement Date)

This Act shall enter into force sixty days after the date of its promulgation.

#### Article 73 (Abrogation of Previous Acts and Subordinate Statutes and Penalty)

- ① Narcotics Control Order (the Military Government Act No. 119, 1946)<sup>2</sup>,<sup>b</sup> Permission of Reward to Narcotics Informers (the Military Government Act No. 219, 1948) and Regulations relating to Narcotics (the Ordinance No. 3 of the Ministry of Health and Welfare, 1947)<sup>3</sup> shall be repealed.
- ② Persons who have violated the provisions of previous Acts and subordinate statutes as referred to in paragraph ① before the enforcement of this Act (including persons who are under irrevocable judgments or under the execution of a sentence) shall be subject to the provisions of such previous Acts and subordinate statutes.
- ③ If a crime has been committed before and after the enforcement of this Act, it shall be regarded as committed before the enforcement of this Act.

#### Article 74 (Continuation of Qualification)

Persons who have received a license of narcotics handler under the previous provisions at the time of the enforcement of this Act, shall be regarded as licensed under this Act.

#### Article 75 (Effect of Sealing)

Narcotics which have been sealed in vessels or wrappers under the previous provisions at the time of the enforcement of this Act, shall be regarded as sealed by the provisions of this Act.

#### Article 76 (Effect of Documentary Evidence)

Record books, documents, records, certificates of sale and purchase of narcotics as prescribed in the previous provisions at the time of the enforcement of this Act, shall be regarded as notebooks, documents, records, certificates of sale and purchase of narcotics as prescribed in this Act.

#### Article 77 (Effect of Disposition)

The disposition of suspension of business under the previous provisions at the time of the enforcement of this Act, shall be regarded as disposed of under this Act.

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2/ Note by the Secretariat: E/NL.1947/6

3/ Note by the Secretariat: E/NL.1947/15

ADDENDA <Act No. 1954, Apr. 7, 1967>

- ① (Enforcement Date) This Act shall enter into force thirty days after the date of its promulgation.
- ② (Transitional measures) The license, permission, orders or disposition done by the Minister of Health and Welfare under the previous provisions at the time of the enforcement of this Act, shall be regarded as done by the Minister of Health and Welfare, the Seoul Special Metropolitan City Mayor, the Pusan Metropolitan City Mayor or *Do* governors under this Act, if there are corresponding provisions in this Act.
- ③ (Transitional Measures) If a crime has been committed before and after the enforcement of this Act, it shall be regarded as committed before the enforcement of this Act.

ADDENDA <Act No. 2612, Mar. 13, 1973>

- ① (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.
- ② (Transitional Measures) The provisions of Article 53 ②, shall not be applied to persons who have their licenses cancelled before the enforcement of this Act.
- ③ (Transitional Measures) Application of penal provisions to acts done before the enforcement of this Act shall be subject to the previous provisions. If a crime has been committed before and after the enforcement of this Act, it shall be regarded as committed before the enforcement of this Act.
- ④ (Transitional Measures) For the provisions of this Act shall enter into force by enactment of the Presidential Decree, the corresponding previous provisions shall be applied continually till the Presidential Decree is enacted and enforced.

ADDENDUM <Act No. 2894, Apr. 7, 1976>

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

ADDENDUM <Act No. 2976, Dec. 31, 1976>

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

ADDENDUM <Act No. 3077, Dec. 31, 1977>

- ① (Enforcement Date) This Act shall enter into force on the date of its promulgation.
- ② (Return of Licenses of Narcotics Handling Physicians) Persons who have received licenses as narcotics handling physicians under the previous provisions at the time of the enforcement of this Act shall return their licenses to the licensing agency concerned within three months from the date of the enforcement of this Act.
- ③ (Transitional Measures) The previous provisions shall be applied to persons who have committed a crime violating the matters on reports on narcotics medication under Article 39 of the previous Narcotics Act at the time of the enforcement of this Act.

ADDENDUM <Act No. 4122, Apr. 1, 1989>

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

ADDENDUM <Act No. 4632, Dec. 27, 1993>

This Act shall enter into force at the expiration of six months after its promulgation.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 Omitted.

ADDENDA <Act No. 5483, Dec. 31, 1997>

- ① (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.
- ② (Transitional Measure on Maintenance Period of Records) The maintenance period for records that were written and organized under the preceding provisions before promulgation of this Act shall be determined under the preceding provisions, regardless of the amended provisions of Article 14 ③.
- ③ (Transitional Measure on Penal Provision) In applying penal provision to a violation committed before the effective date of this Act, the previous provisions shall apply.

ADDENDA <Act No. 5529, Feb. 28, 1998>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided, That* ....(Omitted).... the paragraphs (29) through (31) of the same Article shall enter into force on July 1, 1998 respectively.

Articles 2 through 5 Omitted.

Article 6 (Transitional Measures Pursuant to Amendments of Other Statutes)

During the period of applying the Narcotics Act, Psychotropic Drugs Control Act,<sup>4/</sup> and Cannabis Control<sup>5/</sup> Act from the effective date of this Act until the implementation date of amended provisions of Article 5 (29) through (31) in this Addenda, the authorized agency and the head of the agency are regarded as the authorized agency and the head of the agency prescribed by the amended provisions of Article 5 (29) through (31) in the Addenda: *Provided, That* the "Minister of the Health and Welfare" in Articles 23 ③, 26 ③, 29 ③, 44 ③, and 57-2 ① of the Narcotics Act shall be regarded as the "Commissioner of the Korea Food and Drug Administration" respectively, and the "Minister of the Health and Welfare" in Articles 14 ③, 23 ②, 25 ③, and 37 ① of the Psychotropic Drugs Control Act shall be regarded as the "Commissioner of the Korea Food and Drug Administration."

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4/ Note by the Secretariat: E/NL.1999/35

5/ Note by the Secretariat: E/NL.1999/36