



UNITED NATIONS

E/NL.2001/3  
01 March 2001  
ENGLISH ONLY\*

## 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*

#### BRAZIL

Communicated by the Government of Brazil

#### 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 [...].

DECREE 2632 (19 JUNE 1998)  
AS AMENDED BY DECREE 2792 (1 OCTOBER 1998)

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

**OFFICIAL GAZETTE**  
**No. 119 THURSDAY 25 JUNE 1998**

**DECREE no. 2,632 OF 19 JUNE 1998 , AS AMENDED BY DECREE**  
**no. 2,792 OF 1 OCTOBER 1998**

Establishes the provisions for the National Antidrug System and other matters.

With regard to the provisions of Art. 3 of Law no. 6,368 of 21 October 1976, **THE PRESIDENT OF THE REPUBLIC**, using the powers vested in him by Art. 84, items IV and VI, of the Constitution,

**DECREES**

Art. 1. The National Antidrug System, described in Art. 3 of Law no. 6,368 of 21 October 1976, unifies the activities of prevention and suppression of illicit traffic, improper use and unauthorised production of narcotic substances and of drugs that cause physical or psychological dependency, and the activity of rehabilitating addicts.

Sole paragraph. The National Antidrug System comprises all public agencies and bodies that carry out activities referred to in this article

Art. 2. The objectives of the National Antidrug System include the following.

I – To formulate national antidrug policy

II – To bring national plans into line with regional, state and municipal plans, and to monitor their execution.

III – To establish priorities among its activities based on technical, economic and administrative criteria.

IV – To promote structural modernisation in related areas.

V – To review administrative procedures in the fields of prevention, suppression and rehabilitation.

VI – To establish a continuous and permanent flow of information among its bodies and between its central body and international organisations.

VII – To stimulate studies intended to improve activities within its scope of action.

VIII – To promote the inclusion in teacher training courses, at all levels, of education relating to narcotic substances and drugs that cause physical or psychological dependence.

IX – To collaborate with the relevant bodies in promoting the inclusion in the curriculum, at all levels of education, of specific items aimed at instructing students clearly about the nature of narcotic substances and drugs that cause physical or psychological dependence.

Art. 3. The National Antidrug System includes the following.

I – The National Antidrug Council, as the regulating body.

II – The Presidential Military Staff, as the central body.

III – The National Antidrug Secretariat of the Presidential Military Staff, as the executive body.

IV – The Ministry of Health

V – The National Council for Education

VI – The Federal Revenue Service of the Ministry of Finance

VII – The Federal Police Department of the Ministry of Justice

VIII – The Ministry of Social Security and Welfare

IX – The intelligence agency of the Federal Government

X – The bodies in the states, the Capital District and the municipalities responsible for antidrug activities and rehabilitation of addicts, through special arrangements.

Sole paragraph. The bodies mentioned in this article are subject to regulatory guidance by the National Antidrug Council regarding activities regulated by the System, without prejudice to their administrative subordination to the bodies of which they form part.

Art. 4. The National Antidrug Secretariat has the following responsibilities.

I – Planning, co-ordinating, supervising and controlling activities of preventing and suppressing the illicit traffic, improper use and unauthorised production of narcotic substances and drugs that cause physical or psychological dependence and the activity of rehabilitating addicts.

II – Proposing National Antidrug Policy

III – Defining strategies and drawing up plans, programmes and procedures for achieving the aims proposed in the National Antidrug Policy, and monitoring the execution of this policy.

IV – Proposing institutional reforms and organisational, technical and operational modernisation, aimed at improving governmental action in antidrug activities and the rehabilitation of addicts.

V – Promoting international exchanges with international organisations relating to illicit traffic, cross-border crime and improper use of narcotic substances and drugs that cause physical and psychological dependence.

VI – Collaborating with other government bodies, with foreign government, with multilateral organisations and with the international community on topics related to illicit drugs and associated offences, technical co-operation and financial aid.

VII – Signing conventions, agreements, contracts and any other type of measure related to the performance of its duties.

VIII – Monitoring developments and proposing means for decreasing crime connected with illicit drug trafficking.

IX – Proposing the allocation of the resources of the National Antidrug Fund (FUNAD), and monitoring the use thereof.

X – Promoting the services of the executive secretariat of the National Antidrug Council.

Art. 5. The National Antidrug Council, the body under the Presidential Military Staff that regulates collective deliberation, shall have the following composition.

I – The Chief Military Advisor to the President, as chairman.

II – The National Antidrug Secretary.

III – Representatives of the following Ministries, and their deputies, nominated by the respective Ministers of State:

a) One from Health;

b) One from Education and Sport;

c) One from Social Security and Welfare;

d) One from Foreign Affairs;

e) Two from Justice, one of which shall necessarily be from the body responsible for suppressing narcotic substances;

f) One from Finance.

IV – One representative and deputy from the Chiefs of Staff of the Armed Forces, nominated by the Head thereof.

V – A legal expert with proven experience on matters relating to narcotic substances and related drugs, nominated by the Minister of Justice.

VI – A psychiatrist with proven experience and practice in the field of narcotic substances and related drugs, nominated by the Brazilian Medical Association.

VII – A representative of the Intelligence agency of the Federal Government.

Para. 1. The National Antidrug Secretary shall take over from the chairman of the National Antidrug Council in the event of his/her absence or disqualification.

Para. 2. The members referred to in items II to VII shall be appointed by the President of the Republic for a term of two years, with the possibility of a further term.

Para. 3. The members of the National Antidrug Council shall not receive any remuneration, since their services are considered as being in the public interest.

Para. 4. Travel expenses of members of the council referred to in items V and VI shall be for the account of the National Antidrug Secretariat and those of the other members shall be for the account of the bodies that they represent.

Art. 6. The Antidrug Council has the following responsibilities:

I – Approving the National Antidrug Policy;

II – Regulatory guidance of antidrug and addict rehabilitation activities;

III – Approving the allocation of FUNAD funds;

IV - Monitoring and evaluating the management of the FUNAD funds and the performance of plans and programmes within the National Antidrug Policy;

V – Proposing changes in internal procedures;

VI – Integrating into the System similar bodies in the states, the Capital District and the municipalities.

Art. 7. The Federal public bodies that are part of the System must comply with the decisions of the National Antidrug Council, and this compliance shall be monitored by the National Antidrug Secretariat.

Art. 8. The detailed responsibilities of the National Antidrug Council and the conditions determining its functioning shall be established in rules of procedure approved by the Chief Military Advisor to the President of the Republic." (new wording)

Art 9. The Department of Narcotic Substances of the National Secretariat for Public Security of the Ministry of Justice having been closed, the Chief Military Advisor to the President of the Republic and the Minister of State for Justice shall decide together as to the transfer from public assets needed for the functioning of the National Antidrug Secretariat of the Presidential Military Staff.

Art. 10. Decrees No. 85,110 of 2 September 1980, 86,856 of 14 January 1982, 89,283 of 10 January 1984 and 93,171 of 25 August 1986 are hereby revoked.

Art. 11. This decree shall take effect from the date of its publication.

Brasilia, 19 June 1998; the 177th year of independence and 110th year of the republic.

FERNANDO HENRIQUE CARDOSO  
*Renan Calheiros*