



## 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*

#### LEBANON

Communicated by the Government of Lebanon

#### 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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\*Note by the Secretariat: These documents are a direct reproduction of the texts communicated to the Secretariat.

**Law on narcotics, psychotropic substances and precursors**

**Law N° 673 as amended by Law N° 77 of 3 April 1999**

**Article 1**

Everything connected with narcotics in their wider sense, psychotropic substances and precursors shall be subject to the provisions of this Law.

**INTRODUCTION: TERMS**

**Article 2**

The following terms shall be used in this Law:

- Narcotics:

This term shall mean all plants, natural and synthetic substances and products placed under control and subject to regulatory measures by virtue of the provisions of this Law.

- International treaties:

This term shall include the Single Convention on Narcotic Drugs of 1961, as amended by the 1972 Protocol; the Convention on Psychotropic Substances of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

- Narcotic substances:

This term shall mean the natural and synthetic substances listed in the four schedules adopted in the Single Convention on Narcotic Drugs of 1961, as amended, and substances added to them pursuant to that Convention.

- Psychotropic substances:

This term shall mean the lists of natural and synthetic substances included in the four schedules adopted by the Convention on Psychotropic Substances of 1971, and substances added to it pursuant to the said Convention.

- Precursors:

This term shall mean all chemical products used in the manufacture of narcotic substances and psychotropic substances.

- Preparation:

This term shall mean every solution or mixture of whatever form that contains one or more narcotic substances.

- Drug:

This term shall mean every preparation made for a curative purpose which contains a substance subject to control.

- Production:

This term shall mean the separation of substances placed under control from their plant origin.

- Manufacture:

This term shall mean all operations other than production whereby the above-mentioned substances are obtained, including the purification, extraction, transformation and manufacture of preparations other than those prepared by pharmacies in accordance with a medical prescription.

- Importation:

This term shall mean bringing substances placed under control into Lebanon.

- Exportation:

This term shall mean taking substances placed under control out of Lebanon.

- Transportation:

This term shall mean the transportation of substances placed under control within the territory of Lebanon from one place to another, or by transit.

- Licence:

This term shall mean preliminary permission to practise one or more operations related to narcotics, provided for under article 13 of this Law.

- Authorization or approval:

This term shall mean written permission given to the licensee to undertake a single operation of the operations listed in the preceding paragraph.

- Commercial transporter:

This term shall mean any natural or judicial person employed in the transportation of persons or goods against payment.

- Controlled delivery:

This term shall mean the method of allowing illicit shipments of narcotics to proceed on their way within the borders of the State or to proceed out of the borders of the State with the knowledge of its competent authorities and under their supervision, with the intention of identifying the persons involved in the perpetration of narcotics-related crimes.

- Proceeds:

This term shall mean any property derived from or obtained directly or indirectly from the perpetration of a narcotics crime.

- Freezing and seizure:

This term shall mean a temporary prohibition of the assignment or transfer of property or disposal thereof, or of seizing it on a temporary basis, in compliance with an order issued by the competent authority.

- Property:

This term shall mean assets of any kind, whether material or non-material, movable or immovable, tangible or intangible, and the legal documents or instruments which prove their ownership and the rights connected thereto.

- Transit State:

This term shall mean the State through the territory of which narcotics are transported and which is neither their place of origin nor their final destination.

- The Territory of Lebanon:

The concept of the Territory of Lebanon is given in articles 15-18, inclusive, of the General Penal Code.

- Abuse and illicit use of narcotic drugs:

This term shall mean the personal use of narcotic drugs or of drugs subject to control without a medical prescription.

- Drug addict:

This term shall mean every person in a state of physical or psychological dependence on a narcotic drug subject to control.

- Treatment of addiction:

This term shall mean treatment aimed at curing a condition of dependence on a drug.

- Committee:

This term shall mean the Committee for Combating Addiction to Narcotics.

- Money-laundering:

This term shall mean any concealment or disguise of an illicit source of movable or immovable property or of resources derived from crimes involving narcotics, psychotropic substances and precursors.

**PART I**  
**REGULATORY PROVISIONS**

**Article 3**

This part shall include the following:

- Classification of narcotics;
- Prohibition of the cultivation of plants from which narcotics are produced;
- Prohibition of substances and preparations listed in Schedule 1;
- Regulatory provisions applicable to the substances and preparations listed in Schedules 2 and 3;
- Provisions applicable to Schedule 4.

**TITLE I**  
**CLASSIFICATION OF NARCOTICS**

**Article 4**

The plants, substances and preparations covered by this Law shall be placed under control and shall be classified in accordance with the regulatory measures to which they are subject in the four Schedules annexed to this Law.

**Article 5**

All plants and substances classified as narcotic substances or psychotropic substances by virtue of international treaties or pursuant to them, as well as their preparations and all plants and substances dangerous to public health due to the harmful effects resulting from their abuse shall be included in the first three Schedules, depending on the seriousness of the danger they pose and the extent of their medical benefit:

- Schedule 1: High-risk plants and substances of no medical benefit;
- Schedule 2: High-risk plants and substances which have a medical benefit;
- Schedule 3: Risk plants and substances with a medical benefit.

**Article 6**

All substances used in the manufacture of narcotic substances and psychotropic substances classified by virtue of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 or pursuant to that Convention, and all other chemical products used in processes for the manufacture of narcotic substances and psychotropic substances, known as precursors, shall be included in Schedule 4.

**Article 7**

The four Schedules annexed to this Law shall be considered a regulatory article which may be amended by addition, deletion or transfer from one Schedule to another, by decree issued on the basis of a proposal by the Minister of Health.

### **Article 8**

Plants and substances shall be listed under their common international names or under their scientific names in the event that the former nomenclature is non-existent.

### **Article 9**

Solid or liquid mixtures which contain one or more controlled substances and psychotropic substances divided into dosage units shall be considered preparations and shall be subject to the same regulation applicable to the substances which they contain.

Preparations which contain two or more substances to which different regulations apply shall be subject to the regulation for which the more severe penalty is imposed.

### **Article 10**

Preparations containing substances included in Schedules 2, 3 or 4 which are compounded in such a way as to present no risk or a negligible risk of abuse and from which the substance cannot be recovered by readily applicable means in a quantity liable to abuse may be exempted from certain of the measures of control provided by this Law by decree, based on a proposal by the Minister of Health.

## **TITLE II**

### **PROHIBITION OF THE CULTIVATION OF PLANTS FROM WHICH NARCOTICS ARE PRODUCED**

### **Article 11**

The cultivation of the opium poppy, the coca bush, the cannabis plant and in general all plants from which narcotics are produced shall be prohibited, as well as their seeds, and at all stages of their growth.

The owner of the land or the person exploiting it or occupying it in whatever capacity shall be required to destroy such plants if they grow on it and their knowledge thereof is proved, on pain of prosecution.

Village watchmen and mayors shall notify the competent authorities of the existence of any plants that have grown or which have been cultivated in their localities immediately upon becoming aware of the matter, on pain of being subject to liability.

In the event that such plants are cultivated, the public prosecution shall immediately and without waiting for a judgement to be pronounced against the offender destroy such cultivated plants using appropriate technical methods, after having obtained samples for inclusion in the investigation file. The Ministry of Finance shall perceive the costs of destruction from the offender, in accordance with the recognized practice for the collection of state revenue, or they shall be added to the costs of the legal action in the event of prosecution.

### **Article 12**

State institutions and recognized scientific institutes and scientific research centres may be licensed exclusively to cultivate prohibited plants for medical or scientific purposes, by virtue of a decree by the Council of Ministers, in accordance with conditions to be established by it for that purpose, five years after the promulgation of this Law.

**TITLE III**  
**PROHIBITION OF PLANTS, SUBSTANCES AND**  
**PREPARATIONS INCLUDED IN SCHEDULE 1**

**Article 13**

The production, manufacture, extraction, preparation, conversion, purchase, possession, obtainment, receipt, delivery, offer for sale, transportation, sale, wholesale or retail distribution, trading in, relinquishing free of charge or against payment, intermediation and brokerage of plants and the seeds of plants, substances and preparations included in Schedule 1 shall be prohibited as well as their transport, shipment, importation, exportation or trafficking therein in whatever manner, and in general any action or procedure of any kind related to them.

All the above actions shall also be prohibited if they are related to equipment or utensils or all substances, with the knowledge of the perpetrator that they are being used or that they will be used for the production, manufacture, extraction, preparation or conversion of substances and preparations listed in Schedule 1.

**TITLE IV**  
**REGULATORY MEASURES APPLICABLE TO PLANTS, SUBSTANCES**  
**AND PREPARATIONS LISTED IN SCHEDULES 2 AND 3**

**CHAPTER ONE**  
**GENERAL**

**Article 14**

The substances listed in Schedules 2 and 3 and their preparations shall be subject to the provisions applicable to all substances and preparations intended for use in human or veterinary medicine to the extent that such provisions are compatible with those provided by this Law.

**Article 15**

The production, manufacture, extraction, preparation and conversion of substances and preparations listed in Schedules 2 and 3 shall be prohibited as well as their wholesale or retail distribution, or international trafficking therein, or their exportation, importation and industrial use, unless such acts are performed by virtue of a licence and in the circumstances and in compliance with conditions provided for in this Law, and if the purpose therefor is limited to their use for medical or scientific purposes.

**Article 16**

An exemption may be granted to licensing the use of substances for which a licence is sought in industry and for non-medical or non-scientific purposes if the applicant for the licence can prove the following:

- His ability to prevent their abuse or to prevent them from causing harmful effects;
- The impossibility of readily recovering and separating controlled substances used in their preparation.

With the exception of those provisions relating to manufacture, the provisions of this Law shall not apply to products manufactured subject to the conditions provided by this article.

**SECTION ONE**  
**LICENSING THE PRACTICE OF OPERATIONS**

**SUBSECTION 1**  
**LICENSING CONDITIONS**

**Article 17**

A licence may be issued for the operations provided by article 15 of this Law only by decree issued by the Council of Ministers.

Such a licence shall be granted for a maximum of one year, renewable, and shall mandatorily expire at the end of the day on which the year during which the licence was issued ends.

**Article 18**

The licence provided by the preceding article shall be granted only to the following:

- State institutions and recognized scientific institutes and scientific research centres the functions of which necessitate the use of narcotics.
- Proprietors of chemical, industrial, bacteriological or food analysis laboratories or other such laboratories the work of which necessitates the use of narcotics.
- The proprietors of factories and businesses authorized to manufacture medicines the composition of which includes narcotics.

**Article 19**

The licence may be issued only to a pharmacist or to a judicial person whose operation and management include a pharmacist. If the establishment has branches, a pharmacist must be in charge of the technical management of each. In all cases, the pharmacist shall be personally responsible for the application of the measures provided by this Law and stipulated in the licence.

**Article 20**

Licensing shall be subject to verification of the character and professional qualifications of the applicant and of any person responsible for carrying out the obligations provided by this Law and stipulated in the licence, in particular the pharmacist.

In all cases, a licence may not be issued to the following:

- Persons convicted on a criminal charge.
- Persons convicted of one of the offences provided by this Law.
- Persons convicted of infamous offences.
- Persons previously dismissed for disciplinary reasons from public office, for moral turpitude.



## **Article 21**

A licence shall be revoked by order after it has been issued if a final judgement is pronounced on the licensee for one of the above offences. It shall also be revoked if a final judgement is pronounced on one of the persons jointly responsible with him, unless such person is replaced with another approved by the authority that granted the licence.

The preceding paragraph shall be particularly applicable if sentence was pronounced on the pharmacist responsible for the technical administration of the enterprise.

## **SUBSECTION 2 LICENCE APPLICATIONS**

## **Article 22**

Applicants for a licence to practise the operations provided by article 15 of this Law shall submit an application to the Ministry of Public Health, which shall include the information and documents indicated in the following articles and all other additional documents decided by the Minister of Public Health.

## **Article 23**

Each application for a licence shall indicate the following:

- If the applicant is a natural person: his name and address and proof that he is a registered pharmacist.
- If the applicant is a judicial person: the name and address of its director or of its legal representative, and the name and address of the pharmacist who will be responsible for executing the obligations arising from the licence, and proof that he is a registered pharmacist.
- In both the above cases, the names and addresses of all personnel engaged in carrying out the licensed activities.

## **Article 24**

The following complementary information concerning the nature of the activity for which a licence is sought shall be indicated in the licence application:

## **Article 25**

If the application relates to manufacture or production, it shall indicate the location and the names and quantities of the substances and other raw materials to be used, and also the substances, preparations and products to be manufactured, the extraction and manufacturing procedures to be used, and the quantities of substances, preparations and products envisaged, together with their composition and their destination.

## **Article 26**

If the application relates to the use of substances in industry for other than medical or scientific purposes, it shall specify, in addition to the details in the preceding article, the denaturing or other processes which will be used to ensure that the products manufactured cannot be abused or cause ill effects and that, in practice, the prohibited substances cannot be recovered and separated.

**Article 27**

If the application relates to a commercial activity or to wholesale distribution, it shall indicate the names of the substances and preparations with which this activity will be concerned.

**Article 28**

If the application is made for the purpose of exportation or importation, it shall specify the nature of the proposed operations, the countries with which such operations will take place, the names, nature and quantities of the substances and preparations in connection with which the licence is sought, the import or export licence granted by the government of the other country, the importer or exporter and the justification for his activity, the approximate date, and all information requested of him by the Ministry of Public Health.

**SUBSECTION 3****GRANTING OF A LICENCE: ITS PURPORT AND RESTRICTIONS****Article 29**

The Council of Ministers shall have the right to accept or to refuse a licence application. It shall take a decision on the application within ninety days from the date of its submission. An application shall be considered to have been refused if no decision has been taken in its regard within this time limit.

**Article 30**

Further to the provisions of article 17 of this Law, the validity of a licence shall be indicated on it. It shall be considered cancelled if it has not been used within ninety days from the date on which it was granted.

**Article 31**

The licence shall indicate the substances and preparations involved in the licensed activity, the quantities in question, the type of processes to be undertaken, the type of accounting to be effected, and all other conditions to be met by the licensee and obligations with which he must comply.

The licence shall indicate the permissible processes directly related to the licensed activity.

**Article 32**

No change may be made to the status of the establishment, whether such change be regarding its purpose, address, nature of activity, the substances it handles, manufacturing or extraction procedures, or all other processes, without prior obtention of an amendment of the licence, to be granted in accordance with the same conditions as for the original licence.

**Article 33**

Public and private establishments may not undertake any operations connected with the obtainment, sale or distribution of plants, substances or preparations listed in Schedules 2 and 3, except with natural persons or judicial persons so licensed.

#### **Article 34**

A personal licence may not be sold, delivered or relinquished except after approval by the Council of Ministers, to a natural person or a judicial person licensed to undertake the same activity involving the licensed substances. In such a case, the Minister of Public Health shall issue a decision on the conditions and procedures for delivering and taking delivery of the narcotics thus sold or relinquished.

#### **Article 35**

In the event that a law is promulgated prohibiting a process or a number of processes involving plants, substances and preparations listed in Schedules 2 and 3, all previous licences related to such process or processes shall be revoked, and the licensee shall have no right to any compensation arising therefrom.

#### **Article 36**

In the event of the death of the licensee or the cessation of his activity, the Minister of Health may authorize the continuation of the activity for a period of not more than ninety days, under the responsibility of another person with the requisite qualifications, to assume the obligations imposed by virtue of the law and the licence.

#### **Article 37**

The narcotics stock of any business whose licence has been revoked or has not been renewed upon its expiry shall be liquidated under the supervision of a committee established by the Minister of Public Health for that purpose.

### **SUBSECTION 4**

#### **SUSPENSION AND REVOCATION OF A LICENCE**

#### **Article 38**

A licence may be withdrawn if it transpires that the licence application contained false information.

#### **Article 39**

A licence shall be revoked by order after its issuance if a final judgement is pronounced on the licensee for one of the offences provided by this Law.

In the event of prosecution of the licensee for commission of such an offence, the validity of the licence may be suspended pending a ruling.

#### **Article 40**

A licence may be revoked if it is established that infractions have been committed in the course of pursuit of the licensed activity, particularly if such action involved non-compliance with the obligations stated in the licence, or loss of one of the conditions stipulated by the licence.

In the event of other than gross negligence or a serious infraction, the validity of the licence shall be suspended for a period not exceeding six months.

**Article 41**

A licence may not be revoked or suspended in accordance with the preceding article until the licensee has been given the opportunity to submit clarifications regarding the infractions imputed to him. The decision must be substantiated.

Revocation or suspension shall not preclude punitive or penal prosecution.

**Article 42**

If the activity of the establishment ceases or if its licence is revoked or expires, the Minister of Public Health shall recover the order books and registers and shall take appropriate measures to transfer possession of the stock which thereby becomes an illegal possession, taking into consideration the stipulations of the relevant judicial decisions, if any.

**SECTION TWO**

**LICENSING THE USE OF FACILITIES AND PREMISES**

**Article 43**

The operations stipulated in article 15 of this Law may be carried out only in a pharmacy or laboratory or medicines warehouse or factory that complies with the conditions determined by the Minister of Public Health.

**Article 44**

A licence shall be issued for the use of facilities or premises possessed by a particular private or public establishment, in their entirety or partially, for the production of plants, substances or preparations listed in Schedules 2 and 3, or for their manufacture, extraction, preparation, conversion, trading in them, their wholesale or retail distribution, international trading in them, exportation and importation, and industrial use. Such a licence shall be issued by decree by the Council of Ministers. The applicant for a licence shall be notified that it has been granted or refused within ninety days from the date of deposit of the application.

**Article 45**

Licenses may be issued only for facilities or premises used by a natural person or judicial person in possession of the licence stipulated in article 15 of this Law.

**Article 46**

An application for a licence shall indicate the geographical location of all facilities and premises used in their entirety or partially, with an indication of the legal basis for possession by the establishment of such facilities or premises. The application shall be accompanied by a description of the structures and premises in question and a detailed plan of them.

The application shall describe the proposed security measures for facilitation of control of the plants, substances and preparations in question and of the manufactured products, and for prevention of their theft and various acts of diversion.

The application shall also indicate the name and address of the natural person or judicial person who shall be specifically charged with the implementation of the proposed security measures.

**Article 47**

Granting of a licence shall be contingent upon ascertaining that the facilities and premises which are to be used, in their entirety or partially, comply with the security standards specified by joint decision by the Ministers of Public Health and the Interior.

#### **Article 48**

All facilities and premises must have a separate licence. However, a licence may be granted in the same decision to use several facilities and premises. Likewise, the decision granting the licence to engage in the activities covered in Section One of this Chapter may simultaneously grant a licence to use the facilities and premises specified in the application.

#### **Article 49**

The period of validity shall be indicated on the licence. The licence shall indicate all facilities and premises and, if relevant, the parts of the facilities and premises the use of which is authorized. It shall specify the security measures applicable to each, and shall identify the natural person or the judicial person to be responsible for the implementation of such measures.

#### **Article 50**

The creation of any branch, the use of new facilities and premises or new parts thereof, any change made to licensed facilities and premises, or any change in the security measures specified in the licence shall require prior authorization, by decree of the Council of Ministers. The decision to grant or to deny authorization shall be taken within one month of the submission of the application.

#### **Article 51**

A licence may be revoked by decree by the Council of Ministers in respect of facilities or premises, in their entirety or parts thereof, in the event of failure to comply with the obligations stipulated in the licence or if the application contained inaccurate statements.

If the infractions are not serious enough to warrant revocation of the licence, the Minister of Public Health may suspend the licence for a period of not more than six months.

#### **Article 52**

A decision to deny, suspend or withdraw a licence may be taken only after the natural person or judicial person involved or the person responsible for the public enterprise concerned has been invited to give all the required clarifications.

The decision must be substantiated, and must be made known to the person concerned, and the authorities competent to establish infractions must be notified.

These authorities shall also be sent a complete annual list of facilities and premises licensed for use by the relevant private and governmental establishments.

#### **Article 53**

The suspension of a licence to use facilities and premises shall entail revocation of the licence to engage in the activities for which it was issued.

**CHAPTER TWO**  
**PROVISIONS APPLICABLE TO THE PRACTICE OF OPERATIONS**  
**LISTED IN CHAPTER ONE**

**SECTION ONE**  
**LIMITATION OF STOCKS**

**Article 54**

Each year the Minister of Public Health shall establish the maximum quantities of the various substances and preparations which each licensed public and private establishment may hold, taking into consideration the normal conduct of its business and prevailing market conditions.

These limits may be changed during the year if necessary. In all cases, the total quantity established for various establishments may not exceed the maximum total quantity approved by the National Council for Narcotics Affairs for exportation, importation, production, manufacture, trading or industrial use.

**SECTION TWO**  
**LIMITATION OF QUANTITIES MANUFACTURED**

**Article 55**

Each year the Minister of Public Health shall establish, taking into consideration prevailing market conditions, the maximum quantities of the various substances that each private or governmental establishment shall be entitled to manufacture.

This quantity may be changed during the year if necessary.

Factories producing medicines licensed in compliance with the provisions of this Law may not use narcotics except in the manufacture of special medical preparations.

**SECTION THREE**  
**PROVISIONS GOVERNING INTERNATIONAL TRADE**

**Article 56**

Only licensed establishments using licensed facilities and premises may engage in international trade in plants, substances and preparations listed in Schedules 2 and 3.

**SUBSECTION 1**  
**EXPORTS AND IMPORTS**

**Article 57**

All exports and imports shall be subject to prior authorization by the Council of Ministers, on a form specified by the Ministry of Public Health, in accordance with the form established by the Commission on Narcotic Drugs of the United Nations Economic and Social Council.

### **Article 58**

An application for authorization shall indicate the nature of the operation envisaged, the names and addresses of the importer and the exporter, and if known, those of the consignee, the international non-proprietary name of each substance or, failing this, the name of the substance as listed in the schedules of the international conventions and the pharmaceutical form. In the case of a preparation, its name, if any; the quantity of each substance and preparation involved in the operation; the duration of the operation; the mode of transport or of shipment to be used; and the crossing point on the Lebanese borders. The import permit issued by the Government of the importing country must be attached to the export application.

### **Article 59**

An import or export permit shall contain the same details as the application regarding the operation that it permits. The import permit shall specify whether the importation is to be effected in a single consignment or in more than one consignment.

The export permit shall also indicate the number and date of the import certificate, affirming that the importation of the substance or the preparation has been authorized.

### **Article 60**

An authenticated copy of the export permit shall be attached to each consignment, and the Ministry of Public Health shall send a copy of it to the importing country.

### **Article 61**

Narcotics may not be imported or exported or transported in packages containing other materials. They must be dispatched in insured packages, even as samples. Parcels must bear the full commercial and scientific name of the substance, its nature, quantity and concentration, the manner of its preservation and use, and indications issued by the World Health Organization.

### **Article 62**

If the quantity of plants, substances or preparations actually imported is smaller than that indicated on the export permit, the Minister of Public Health shall note that fact on the permit and on all official copies thereof.

### **Article 63**

Commercial documents, such as invoices, cargo manifests and customs, transport and shipping documents, shall include the names of the plants and substances as listed in the international conventions, the names of the preparations, if they have any, the quantities exported from the territory of Lebanon or imported into it, and the name and address of the exporter, the importer, and, if known, those of the consignee.

### **Article 64**

Exports from or imports to Lebanon of consignments to the account of a person other than the person named in the export permit shall be prohibited.

**Article 65**

Exports from Lebanon in the form of consignments to a bonded warehouse shall be prohibited unless the Government of the importing country certifies on the import certificate that it has approved such a consignment.

Imports to Lebanon in the form of consignments to a bonded warehouse shall be prohibited unless approval of such consignments is indicated on the import certificate.

Any withdrawal from the bonded warehouse shall require the presentation of a permit from the authorities with jurisdiction over the warehouse. Consignments to a foreign destination shall be considered a new export operation. The substances and preparations stored in the bonded warehouse may not be subjected to any process that could modify their nature, nor may their packaging be altered without the permission of the authorities responsible for the warehouse.

**Article 66**

Upon arrival of the consignment in Lebanon or when the period stipulated in the import permit expires, the Minister of Public Health shall send the export permit to the Government of the exporting country, with an endorsement indicating the quantity of plants, substances and preparations actually imported.

**Article 67**

The competent authorities shall impound any consignment which enters Lebanon or leaves it if not accompanied by an official import or export permit, until the legality of the consignment is established, or until a judicial decision is issued on its confiscation.

**Article 68**

A consignment reaching the customs may not be delivered except in the presence of a pharmacist inspector, and against a written withdrawal permit or export permit issued by the Minister of Public Health indicating all the information required by decision by the Ministry of Public Health.

In the case of both importation and exportation, the customs administration shall take receipt of the withdrawal or export permit from the parties concerned, and shall return it to the Ministry of Public Health, retaining for itself one copy of the permit.

The permit shall be considered null and void if it is not used within ninety days from its date of issue, or not later than the last day of the current year. The imported or exported substances shall be confiscated and delivered to the Ministry of Health, unless the party concerned obtains a renewal of the permits.

**Article 69**

A consignment may not be withdrawn unless it is registered with the Ministry of Health on the date of issuance of the withdrawal permit and unless its fitness for use is proven, as well as its conformity with approved technical specifications and the information indicated on the import permit.

The Minister of Public Health shall establish the procedure for ascertaining fitness and conformity, by a decision issued by him.

**Article 70**

The administrative authorities shall specify the customs offices in Lebanon designated to deal with the importation or exportation of the plants, substances or preparations listed in Schedules 2 and 3.



## SUBSECTION 2

### TRANSIT

#### Article 71

The transit through the territory of Lebanon and areas with that status of consignments of plants, substances or preparations listed in Schedules 2 and 3, whether they are removed or not from the means of their transportation, shall be subject to the following provisions:

- Transit of the consignment shall be prohibited unless a copy of the export permit for such a consignment is presented to the competent customs office.
- Any unauthorized rerouting of a consignment in transit through Lebanon to a destination other than the destination named in the copy of the export permit for the consignment shall be prohibited. An application for authorization to reroute a consignment shall be treated as an export from Lebanon to the country of the new destination.
- No consignment in transit through Lebanon may be subjected to any process that could change its nature, nor may its packaging be altered without the permission of the department designated by the Minister of Public Health.
- The above provisions shall be without prejudice to the provisions of any international agreements signed by Lebanon that limit the control that may be exercised over a consignment in transit.

#### Article 72

The provisions of the preceding article shall not apply where the consignment in question is transported by air, provided that the aircraft does not land in Lebanon. If the aircraft lands, the consignment shall be treated, as necessary, as if it were an export from Lebanon to the country of destination.

## SUBSECTION 3

### FREE PORTS AND ZONES

#### Article 73

Free ports and zones shall be subject to the same control and supervisory measures as those to which all parts of the national territory are subject.

## SECTION FOUR

### PROVISIONS APPLICABLE TO COMMERCIAL TRANSPORT OPERATIONS

#### Article 74

Commercial transporters shall take reasonable precautions to prevent the use of means of transport under their control for illicit trafficking in plants, substances and preparations governed by this Law.

In the course of their work within the national territory they shall in particular comply with the following:

- Prior submission of cargo manifests whenever possible.
- Placement of the above-mentioned products in closed containers with tamper-proof seals, in such a way as to permit individual inspection.
- Notification as early as possible of the competent authorities concerning any circumstances leading to suspicion of illicit trafficking.

**SECTION FIVE  
POSTAL CONSIGNMENTS**

**Article 75**

Plants, substances and preparations governed by this Law may not be sent by mail except in boxes, with a declaration of value and accompanied by an acknowledgement of receipt.

**CHAPTER THREE  
RETAIL TRADE AND DISTRIBUTION**

**SECTION ONE  
PROCUREMENT OF PROFESSIONAL SUPPLIES**

**Article 76**

Plants, substances and preparations listed in Schedules 2 and 3 may not be purchased with the intention of procurement of professional supplies except through natural persons or judicial persons in possession of licences in accordance with Chapter One of this Title.

**Article 77**

The licensed natural persons and judicial persons indicated hereunder, exclusively, may purchase or possess plants, substances and preparations listed in Schedules 2 and 3, within the limits of their professional requirements:

- Pharmacists employed in pharmacies designated for selling to the public.
- Pharmacists employed in public or private hospitals or treatment institutions.
- Public or private warehouses placed under the responsibility of pharmacists and approved by the Minister of Public Health.
- Hospitals or treatment institutions not managed by pharmacists, in cases of urgency, on condition that a physician attached to the institution has accepted to assume the responsibility of depositary.
- Physicians and veterinary surgeons licensed to practise pharmacy with respect to preparations included in a list established by the Minister of Public Health.
- Physicians and veterinary surgeons, within the limits of obtaining supplies necessary for the treatment of urgent cases, the types and quantities of which are to be determined by decision by the Minister of Public Health.
- Dental surgeons, for use in their professional activities, in respect of preparations the types and quantities of which are to be established by decision by the Minister of Public Health.

**Article 78**

1. All orders for plants, substances and preparations listed in Schedule 2 shall require that the applicant submit two serially numbered coupons from a counterfoil order book of a type determined by the Minister of Public Health. The two coupons shall bear the purchaser's name, address and signature; the names of the plants, substances and preparations ordered, and the date of the order.

The vendor shall retain one of the coupons and shall hand over or send the other to the purchaser after stamping it with his seal and signing it and entering the outgoing number in his register, together with the delivery date and the quantities supplied.

The order coupons for plants, substances and preparations listed in Schedule 3 may not mention any other products.

These documents shall be retained by the parties concerned for three years, for presentation whenever requested to the competent authorities.

2. Orders placed by physicians, dental surgeons and veterinary surgeons for professional use shall be subject to the provisions of the preceding paragraphs of this article.

Furthermore, these persons must place their orders with a practising pharmacist.

#### **Article 79**

No person whatsoever may deal in narcotic substances or psychotropic substances which have been proved by laboratory analysis to be unfit or whose expiry date has lapsed. Such substances shall be destroyed by the Ministry of Public Health. The Minister of Public Health shall issue a decision on the procedures to be followed in this respect.

## **SECTION TWO**

### **DISPENSING TO INDIVIDUALS**

#### **SUBSECTION 1**

### **PROVISIONS COMMON TO SCHEDULES 2 AND 3**

#### **Article 80**

Individuals may possess substances and preparations listed in Schedules 2 and 3 for their personal use and for purely medical reasons, within the limits of the quantities prescribed to them by physicians licensed to practise the profession of medicine. They may not relinquish them to any other person for any reason whatsoever.

#### **Article 81**

Plants, substances and preparations listed in Schedules 2 and 3 may not be prescribed and may not be dispensed to individuals except in a form compatible with therapeutic purposes (medicine) and against a prescription from a physician or a dental surgeon (for prescriptions necessary for the practice of dental medicine) or the director of a medical biological analysis laboratory (for prescriptions directly related to the practice of biological science activities) or by a veterinary surgeon (for veterinary uses).

## **Article 82**

Medical prescriptions shall indicate the following:

- The name, capacity and address of the prescribing physician.
- The name of the drug, its dosage and instructions for its use.
- The quantity prescribed or the period of treatment and, if relevant, the number of renewals of the prescription.
- The name and family name of the patient, or of the person in possession of the animal, for a prescription issued by a veterinary surgeon.
- The date of issuance of the prescription.

The prescription must be signed by the person who made it.

In cases of exceptional urgency, the prescription may be oral.

It shall be prohibited to dispense a prescription that fails to comply with these requirements. The Minister of Public Health may issue a decision on additional information and conditions which must be fulfilled by prescriptions. He may determine the quantities the dispensation of which may not be exceeded monthly to a patient.

## **Article 83**

The drugs listed in Schedules 2 and 3 may only be dispensed by:

- Pharmacists employed at pharmacies designated for selling to the public.
- Pharmacists at public or private hospitals or treatment institutions.
- Public or private warehouses placed under the responsibility of a pharmacist and approved by the Minister of Public Health.
- Public or private hospitals or treatment institutions not managed by a pharmacist.
- Physicians and veterinary surgeons licensed to practise the profession of pharmacy and to dispense drugs.

## **Article 84**

Any advertising of substances and preparations or drugs listed in Schedules 2 and 3 that is aimed at the general public shall be prohibited. The offer to physicians or to individuals of samples of substances, preparations or drugs listed in Schedule 2 shall be prohibited.

Additional regulations in respect of advertising shall be issued by decision by the Minister of Public Health, as necessary.

## **Article 85**

The label under which a drug is offered for sale shall indicate the names of the substances listed in Schedules 2 and 3 that it contains, together with their weight and percentage. Labels and notices accompanying packages prepared for retail distribution shall indicate the directions for use as well as the precautions and warnings necessary for the safety of the user of the drug.

## **Article 86**

It shall be prohibited to transport substances and preparations listed in Schedules 2 and 3 unless they are enclosed or packed in containers bearing their names.

It shall be prohibited to dispatch parcels of substances or preparations listed in Schedule 2 unless they are marked by a broad red line.

It shall be prohibited to mark a parcel incorrectly. The outer wrapping of parcels shall bear no information other than the names and addresses of the sender and the addressee. They shall be stamped with the trade mark of the sender.

## **Article 87**

The Minister of Public Health shall regulate by decision issued by him the manner of circulation of preparations listed in Schedules 2 and 3 in hospitals, sanatoriums and clinics. Physicians at hospitals, sanatoriums and clinics shall adhere to the following when dispensing narcotics and using them for the treatment of patients:

- Record and date the prescription in the patient's record and sign it, indicating the quantity administered, retaining the empty containers which shall not be destroyed except under supervision of the Ministry of Public Health in accordance with accepted practice;
- Enter the prescription in the dispensed prescription register, which is to be signed and retained for a period of ten years from the date of the last entry.

### **SUBSECTION 2**

#### **SPECIAL PROVISIONS APPLICABLE TO DRUGS LISTED IN SCHEDULE 2**

## **Article 88**

Medical prescriptions which contain drugs listed in Schedule 2 shall be written, after examination of the patient, on forms taken from a counterfoil book of a type determined by order of the Minister of Public Health and distributed by the professional association to which the prescribing physician belongs.

The number of therapeutic units prescribed, in the case of a specialized drug, and the doses of substances listed in Schedule 2, in the case of a non-proprietary preparation, shall be stated in words on these forms. Physicians must retain the counterfoils for three years for presentation, whenever requested, to the competent authorities.

**Article 89**

It shall be prohibited to write or dispense a prescription that fails to comply with the provisions of the preceding article. It shall be prohibited to write and dispense a prescription that includes drugs listed in Schedule 2 for a period exceeding seven days.

It shall be prohibited to write or dispense a prescription for such drugs during a period covered by a previous prescription for drugs listed in the same schedule, unless an explicit indication is made on the prescription by the prescribing physician, mentioning the previous prescription.

Unless he informs the physician about the previous prescription, it shall be prohibited for a person who already possesses a prescription for one or more drugs listed in the same Schedule to receive a new prescription for drugs listed in that Schedule during the treatment period indicated on the earlier prescription.

The physician shall question the patient about previous prescriptions he may have received.

**Article 90**

Notwithstanding the provisions of the second paragraph of the preceding article, some of the drugs listed in Schedule 2 indicated in a decision by the Minister of Public Health may be prescribed for a period of more than seven days but not exceeding sixty days.

**Article 91**

If the bearer of the prescription is not known to the person who dispenses the prescription, the latter must ask to see proof of identity.

It shall be forbidden to dispense a prescription made more than seven days earlier.

The pharmacist shall file prescriptions in chronological order and keep them for a period of three years. If the customer so requests, the pharmacist may provide him with a copy crossed by two transverse lines and bearing the word "copy".

**Article 92**

During the first week of every quarter, persons licensed to dispense drugs listed in Schedule 2 shall send to the Minister of Public Health a detailed list, signed and stamped with the seal of the pharmacy, indicating the quantities received and dispensed of each substance during the period in question and remaining stocks of each, and indicating the total prescriptions dispensed, the name of the prescribing physician and the nature and quantity of the drugs dispensed for each prescription, on forms prepared for this purpose by the Ministry of Public Health.

This stipulation shall also apply to private hospitals and clinics.

**SUBSECTION 3**

**SPECIAL PROVISIONS APPLICABLE TO DRUGS  
LISTED IN SCHEDULE 3**

**Article 93**

Dispensing of drugs listed in Schedule 3 may be repeated unless the prescribing physician indicates otherwise.

**Article 94**

The Minister of Public Health may authorize, when necessary, pharmacists or other approved retail distributors, subject to conditions prescribed by him, to dispense to individuals, at their personal discretion and without a prescription, small quantities of substances listed in Schedule 3 and of preparations which contain them, in exceptional cases and for purely medical purposes.

### **SECTION THREE**

#### **DISPENSING AGAINST A LICENCE CARD**

##### **Article 95**

Substances and preparations listed in Schedules 2 and 3 may be dispensed against a licence card issued by the Minister of Public Health.

##### **Article 96**

The Minister of Public Health shall issue a decision on the conditions required for obtaining the licence cards referred to in the preceding article and the information such licence cards must contain.

This decision shall designate the administrative authority competent to issue them, as well as the maximum quantities which may be dispensed to the person concerned, and the expiry date of the cards.

##### **Article 97**

Licence cards may be granted only to the following persons:

- Specialist physicians licensed to practise medicine.
- Physicians designated by hospitals, sanatoriums and clinics that do not have pharmacies.

##### **Article 98**

Specialist physicians may possess in their clinics substances delivered to them against a licence card for use in cases of extreme necessity, on condition that such substances are kept in a form compatible with the medical use for which they were prepared, without any change. They may treat patients with such substances outside their clinics in emergencies. Physicians shall be prohibited from dispensing any of these substances to a patient with the intent of self-administration by the patients.

##### **Article 99**

Pharmacists must record on the licence cards the quantities they have dispensed and the date of dispensing, and must sign this information. Substances indicated on the card may be delivered only against a receipt from the licensee, on which is indicated in ink the date, the full name of the narcotic substance or psychotropic substance, the quantity in figures and words, the number of the licence card and its date.

The licensee must return the card to the competent administrative authority within one week of the date of expiration of its validity.

## **SECTION FOUR SPECIAL CASES**

### **Article 100**

#### **First aid kits on international means of transport**

The Minister of Public Health may authorize the holding of small quantities of drugs listed in Schedules 2 and 3 on board ships, aircraft and other means of public transport registered in Lebanon that are engaged in international travel, within the limits of quantities necessary for first aid in urgent cases.

The licence shall be granted pursuant to an application by the exploiter of the means of transport, and shall indicate the measures to be taken to prevent the drugs from being used for other than the intention for which they were prepared and their diversion to illicit purposes. The licence shall bear the name of the crew member responsible for the drugs and shall indicate the conditions under which they are held, the procedures to be followed in entering the quantities taken, replacement quantities, and the report to be made and submitted periodically on their use.

Administration of these drugs in cases of emergency does not constitute a violation of the various provisions of Section Two of this Chapter.

### **Article 101**

#### **Possession of drugs by patients in transit**

Persons undergoing treatment may possess for their personal use, while in transit through Lebanon, drugs containing psychotropic substances listed in Schedules 2 and 3 in quantities sufficient for their treatment for a period not exceeding seven days in respect of Schedule 2 drugs and thirty days in respect of Schedule 3 drugs. They must have in their possession an authenticated copy of the prescription from the pharmacist who dispensed such drugs.

### **Article 102**

#### **Use of psychotropic substances in hunting animals**

A decision by the Minister of Public Health shall establish a list of psychotropic substances listed in Schedules 2 and 3 and their preparations which may be used in hunting animals and the conditions for such use.

## **CHAPTER FOUR POSSESSION**

### **Article 103**

The possession of plants, substances and preparations listed in Schedules 2 and 3 for any purpose and in any form whatsoever shall be prohibited, with the exception of the cases permitted by this Law.

### **Article 104**

All persons who have in their possession for professional purposes in accordance with the law plants, substances, preparations or drugs listed in Schedule 2 shall undertake to keep them in accordance with conditions established by decision by the Minister of Public Health, to protect them from theft and various forms of diversion.

### **Article 105**



Pharmacies and medicines warehouses and factories must keep substances and preparations listed in Schedules 2 and 3 in special containers with labels bearing the names of the substances and an indication that they are narcotic. Such containers shall be kept in a special securely closed cabinet which shall bear an inscription indicating its contents. The director responsible for the administration of such premises shall keep the key with him personally.

#### **Article 106**

All persons who hold narcotic drugs by virtue of the licence issued to them shall record quantities of such substances which are lost due to fire or theft or any other incident, indicating the circumstances in their special registers. They must immediately inform the authorities concerned of the loss of any quantity.

### **CHAPTER FIVE**

#### **RECORDING OF OPERATIONS CONCERNING NARCOTICS**

##### **SECTION ONE**

##### **RECORDING AT THE MINISTRY OF PUBLIC HEALTH**

#### **Article 107**

A special narcotics register shall be established at the Ministry of Public Health in which all persons and bodies licensed to import, export, transport, manufacture and produce narcotics shall be registered, as well as all relevant operations.

A special file shall be established for each natural person or judicial person holding a licence, in which all documents and information related to operations involving narcotics undertaken by the licensee shall be kept. Maintenance of the register and the files shall be regulated by decision by the Minister of Public Health.

##### **SECTION TWO**

##### **PERIODICAL INFORMATION**

#### **Article 108**

All natural persons, judicial persons and private and government establishments which engage in operations involving plants, substances and preparations subject to control measures provided by this Law shall submit the following, each within his or its own competence, to the Minister of Public Health:

1. During the first week of each quarter of the year a quarterly list for the preceding quarter indicating quantities received, dispensed and remaining stocks of the controlled substances, with an indication of the total number of operations undertaken by them.
2. During January of each year, a list covering the preceding calendar year indicating the following:
  - The quantities produced or manufactured of each substance and each preparation.
  - The quantities of each substance used to manufacture other substances governed by this Law or exempted preparations or substances not governed by this Law.
  - Quantities consumed of each substance or each preparation, that is, quantities provided for retail distribution or for use for medical purposes or in the domain of scientific research.

- Quantities held in stock of each substance and each preparation on the last day of the year covered by this information.

The Minister of Public Health may oblige those establishments to submit whatever information he requires in the course of the year.

### **SECTION THREE**

#### **RECORDING BY ESTABLISHMENTS**

##### **SUBSECTION 1**

#### **RECORDING OF OPERATIONS OTHER THAN DISPENSING TO INDIVIDUALS**

##### **Article 109**

1. All persons licensed to undertake operations relating to the purchase of plants, substances or preparations listed in Schedules 2 and 3 or to dispense, sell, export or import them, shall record each operation at the time it is effected in a special register with numbered pages initialled by the official designated by the Minister of Public Health.

The entry shall include the date of the operation, the name and the address of the person with whom it was conducted, the nature of the operation, and the name or composition and quantity of each product involved in the operation, the quantities received and dispensed of this product, and all information requested by the Ministry of Public Health, as required.

No blank spaces shall be left in the register, and scratching, erasure, alteration and addition shall be prohibited. The register must be presented upon demand to inspectors of the Ministry of Public Health.

2. Establishments that manufacture, process, convert or break down or use the substances mentioned in this article for any purpose must also enter in the register, at the time of the operation, the nature and quantity of each substance used and of each product obtained, as well as any losses resulting from the operations.

3. The register shall also be used to record, with an indication of the circumstances in which they occurred, any losses by fire, theft or any other incident. The competent authorities shall be informed immediately of any losses. The entries shall be made in the register in such a way as to indicate precisely the quantities held in stock.

4. The special register shall be kept for ten years after the last pertinent operation recorded, for presentation, whenever requested, to the competent authorities.

##### **SUBSECTION 2**

#### **RECORDING OF QUANTITIES DISPENSED BY PHARMACISTS TO INDIVIDUALS**

##### **Article 110**

Whenever Schedule 2 or 3 drugs are dispensed to an individual by a pharmacist or by a physician or a veterinary surgeon licensed to dispense drugs, such operations shall be immediately recorded in the prescriptions register without leaving any blank spaces and without any scratching or erasure or alteration or addition.

Each drug dispensed shall be entered under a different consecutive number, indicating the following:

- The name, address and capacity of the person who made the prescription.

- The name and address of the patient, or the name and address of the person in possession of the animal if the prescription is issued by a veterinary surgeon.
- The date of dispensing.
- The specialist name of the drug or the method of its preparation.
- The quantity dispensed.

If the drug or preparation dispensed pertains to Schedule 2, the pharmacist must retain the prescription and also record in the prescriptions register the name and address of the person who has presented the prescription, if other than the patient. If the bearer of the prescription is unknown to the pharmacist he shall note the number and date of issue of the identity document presented and the name of the issuing authority.

All renewals of prescriptions including drugs listed in Schedules 2 and 3 shall be recorded.

In all cases the pharmacist shall sign the prescription and stamp it with the seal of the pharmacy and shall obtain the signature and address of the recipient. He shall also record the number and date of its entry in the register, and shall give a copy to its bearer, if so requested, if it concerns Schedule 2 drugs and has been retained by the pharmacist.

The pharmacist's registers and records shall be kept for a period of ten years from the date of the last entry.

### **SUBSECTION THREE**

#### **INVENTORIES AND STOCK LISTS**

##### **Article 111**

All persons and establishments holding for professional purposes plants or substances or preparations or drugs listed in Schedules 2 and 3 shall make at least an annual inventory of the plants, substances, preparations or drugs pertaining to Schedules 2 and 3 which they hold, and shall prepare stock lists indicating incoming and outgoing quantities.

##### **Article 112**

Upon selling their establishments or pharmacies, licensees and proprietors of pharmacies shall make an inventory in the presence of the purchaser of plants, substances, preparations or drugs pertaining to Schedules 2 and 3 and shall prepare stock lists indicating incoming and outgoing quantities. The seller and the purchaser shall both sign the inventory and the stock list.

##### **Article 113**

Any discrepancies that appear in the stock lists or between the results of such lists and the inventories shall be brought to the attention of the pharmacist inspector for authentication, on his first visit after the stocktaking. However, he must be immediately notified if it appears that the discrepancy is a result of theft, diversion or illicit use.

### **TITLE V**

#### **PROVISIONS APPLICABLE TO SCHEDULE 4**

##### **Article 114**

The manufacture, wholesale trading and distribution, and international trading of substances listed in Schedule 4 shall be subject to the provisions of Chapters One and Two of Title IV of this Law.

**Article 115**

An export or import permit shall be denied if there are reasonable grounds to suspect that the consignment is destined for the illicit manufacture of narcotic drugs or psychotropic substances. Import and export consignments must be correctly marked.

**Article 116**

It shall be prohibited for any person to divulge economic, industrial, commercial or professional secrets of which he may have gained knowledge during an investigation or by virtue of his functions.

**Article 117**

Manufacturers, importers, exporters, wholesalers and retailers shall be required to enter in a register numbered and initialled by the Ministry of Public Health any purchase or sale of substances listed in Schedule 4, at the time of the operation, without blank spaces, erasures or alterations. The entry shall indicate the date of the operation, the name and quantity of the product purchased or sold, and the name, address and profession of the purchaser or vendor. Nonetheless, retailers shall not be required to enter the purchasers' names. The registers shall be kept for ten years after the last pertinent entry, for presentation, whenever requested, to the competent authorities.

**Article 118**

Manufacturers, importers, wholesalers and retailers shall be required to notify the competent security authorities of any suspect orders and operations, particularly as regards the quantity of the substance purchased or ordered, the repetition of such orders and purchases, or the modes of payment or means of transport used.

**Article 119**

If there is serious evidence to warrant suspicion that a substance listed in Schedule 4 is to be used in the illicit manufacture of a narcotic drug or a psychotropic substance, such substance shall be seized immediately, pending a judicial decision.

**TITLE VI****MEDICAL AND SCIENTIFIC RESEARCH AND TEACHING****Article 120**

For the purposes of medical or scientific research or teaching, a natural person may be licensed by the Minister of Public Health to produce or manufacture, acquire, import, use, or hold plants, substances and preparations listed in Schedules 1, 2 and 3, in quantities not exceeding those required for the purpose in question. The beneficiary of the licence shall enter, in a register that he shall keep for 10 years, the quantities of the plants, substances and preparations that he imports, acquires, manufactures, uses or transports. He shall also enter in the register the dates of the operations and the names of his suppliers, and he shall submit to the Minister of Public Health an annual report on the quantities used or destroyed and those held in stock.

## TITLE VII INSPECTION AND INVESTIGATION OF INFRACTIONS

### Article 121

Any person, private and governmental establishment, medical establishment or scientific establishment that engages in any activity or operation of any kind involving the plants, substances, preparations or drugs governed by this Law shall be controlled and monitored by the Minister of Public Health, who shall, in particular, arrange for pharmacy inspectors to make routine inspections of the establishments, premises, stocks and records at least once a year, and extraordinary inspections as required.

This control and monitoring shall extend to first-aid kits carried on means of public transport engaged in international travel.

### Article 122

The pharmacy inspectors and the officers and non-commissioned officers of the Central Narcotics Bureau shall detect and note infractions. They may enter all premises where the operations referred to in the preceding article are being carried out and wherever such operations may be carried out, and may spontaneously make seizures and take samples.

The pharmacy inspectors may not enter private premises, particularly those belonging to unlicensed persons, to conduct there the operations mentioned in the preceding paragraph except with the written consent of such persons or pursuant to a decision by the competent judicial authority.

If an infraction is suspected, the file on the matter shall be referred to the competent public prosecution office.

### Article 123

The persons and establishments concerned must provide the pharmacy inspectors and the investigating authorities with all possible assistance in carrying out their task, in particular by facilitating the inspection of their professional premises and of all documents relating to their professional activities.

## PART II PENAL PROVISIONS

### Article 124

The provisions of this Part shall apply to all plants and substances subject to control.

Distinction shall be made between the following:

- High-risk plants and substances listed in Schedules 1 and 2;
- Risk plants and substances listed in Schedule 3;
- Precursors listed in Schedule 4.

**TITLE I**  
**MAJOR OFFENCES AND PENALTIES**  
**CHAPTER ONE**  
**HIGH-RISK SUBSTANCES LISTED IN SCHEDULES 1 AND 2**

**Article 125**

The penalty of hard labour for life and a fine of twenty-five million to one hundred million liras shall be imposed on the following:

1. Any person who has intentionally contravened the prohibition provided by the first paragraph of article 11 (cultivation of prohibited plants which produce high-risk substances) and the prohibition provided by article 13 of this Law in its various forms, and as concerns the substances and preparations listed in Schedule 1, annexed to this Law.

Intent shall arise when the perpetrator or his accomplice or the intermediate has knowledge that the substance which is the object of the act is a controlled substance.

2. Any person who has intentionally contravened the prohibition provided by article 15 of this Law in its various forms as provided by that article, or who has contravened the licence by which he is permitted to undertake the operations provided by that article, with respect to substances and preparations listed in Schedule 2, annexed to this Law.

**Article 126**

The following persons shall also be subject to the same penalties provided by the preceding article:

1. Any person who has illicitly sold or offered for sale to another person high-risk drugs for his personal consumption.
2. Any person who has intentionally facilitated the illicit use by other persons of high-risk substances, against payment or free of charge or by any other means.
3. Any person who has operated or prepared or readied, against payment, premises for the abuse of high-risk narcotic drugs.
4. Any person who has owned or operated or exploited in any manner whatsoever a hotel, furnished house, boarding house, drinking establishment, restaurant, club, society, dancing hall, entertainment hall or any other premises whatsoever open to the public or used by the public, who has knowingly tolerated the use of high-risk substances in such establishments or their annexes or in such premises in circumstances other than those licensed by the law.
5. Any person who has added high-risk drugs to food or beverages without the knowledge of the consumers.
6. Any person licensed to possess high-risk substances for use for a specific purpose and who has disposed of them against payment or free of charge on any terms whatsoever for a different purpose.
7. Any person who has obtained or attempted to obtain high-risk narcotic drugs by means of fictitious or accommodating prescriptions.
8. Any person who has intentionally made out prescriptions containing high-risk drugs as an act of complaisance, and any person who has dispensed such drugs without a prescription or against prescriptions while knowing them to be fictitious or complaisant in nature.

9. Any physician who has knowingly delivered to another person a prescription for high-risk substances, for purposes other than medical treatment.
10. Any manager of a laboratory or pharmacist who has personally used or delivered to another person high-risk substances delivered to him by virtue of his profession or who has facilitated the acquisition of such substances by another person by means of fictitious prescriptions or by any other illicit means.

#### **Article 127**

The penalty of imprisonment for a term of three months to three years and a fine of two million to five million liras shall be imposed on any person who has possessed or obtained or purchased a small quantity of a high-risk substance without a prescription with the intention of abuse, if the quantity is so small as to be considered specifically for personal use. The same penalty shall be imposed on any person proved to be addicted to such a substance and has not submitted to the treatment provided by Title II (Part II) of this Law.

A stay of execution of the sentence imposed or a pardon may be granted if the convicted person is a minor or is not a recidivist or if he undertakes not to repeat the offence and submits to treatment or care measures imposed by the court. The penalty shall be aggravated if the offender is a health professional.

## **CHAPTER TWO RISK DRUGS (SCHEDULE 3)**

#### **Article 128**

The penalty of hard labour for a period not exceeding five years and a fine of five million to ten million liras shall be imposed on the following:

1. Any person who has intentionally contravened the prohibition provided by article 15 of this Law in its various forms as provided by that article or who has contravened the licence entitling him to undertake the activities stated in that article, with respect to substances and preparations listed in Schedule 3 annexed to this Law.
2. Any person who has cultivated a plant that produces risk substances or who has imported or exported such a plant at any stage of its growth or its seeds, with the intention of trafficking in circumstances other than those authorized by this Law.

#### **Article 129**

The same penalty provided by the preceding article shall be imposed on any person who has committed any of the acts provided by article 126 of this Law if the matter concerns risk substances and drugs.

**Article 130**

In compliance with article 94 of this Law, the penalty of imprisonment for a term of two months to two years and a fine of one million to three million liras shall be imposed on any person who has possessed, obtained or purchased a small quantity of risk substances without a prescription, with the intention of abuse, if the quantity is so small as to be considered specifically for personal use. The same penalty shall be imposed on any person proved to be addicted to that substance. A stay of execution of the sentence imposed or a pardon may be granted if the convicted person is a minor or is not a recidivist or if he undertakes not to repeat the offence and submits to treatment or treatment measures imposed by the court.

The penalty shall be aggravated if the offender is a health professional.

**CHAPTER THREE****PRECURSORS, EQUIPMENT AND UTENSILS (SCHEDULE 4)****Article 131**

The penalty of hard labour for life and a fine of twenty-five million to one hundred million liras shall be imposed on any person who has produced, manufactured, imported, exported, transported, offered for sale, sold, distributed or delivered precursors, equipment or utensils for any reason whatsoever, or who has dispatched, shipped, purchased or possessed them, whether with the intention of using them or of making use of them for the illicit cultivation, production, or manufacture of high-risk or risk narcotic drugs or who had knowledge that they were to be used for such purposes.

**CHAPTER FOUR****MISCELLANEOUS OFFENCES****Article 132<sup>1]</sup>**

[...]

**Article 133**

The penalty of imprisonment for one month to one year and a fine of two million to five million liras shall be imposed on the following:

1. The owner, exploiter or occupant in any capacity whatsoever of land who was aware of the presence of prohibited plants and did not destroy them or notify the competent authorities (article 11).
2. Village watchmen and mayors who were aware of the presence of prohibited plants that had grown or had been cultivated in their localities and did not notify the competent authorities (article 11).
3. The persons named in article 118 of this Law who have failed to notify the competent security authorities with regard to suspect orders and operations.

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<sup>1]</sup> Note by the Secretariat: Repealed by E/NL.2002/5



#### **Article 134**

The penalty of imprisonment for two months to two years and a fine of three million to six million liras shall be imposed on any person who has submitted false information on a licence application that led to his being granted a licence whereas disclosure of the truth would have been cause for refusal of such a licence (articles 23 to 28 inclusive and articles 46, 51 and 58).

#### **Article 135**

The penalty of imprisonment for two months to two years and a fine of three million to six million liras shall be imposed on the following:

1. A pharmacist responsible for the technical management of an establishment who has not applied the measures provided by the law or stipulated in the licence (article 19).
2. A pharmacist barred from management of an establishment who has persisted therein, and the owner of an establishment upon one of whose employees in a position of responsibility in the establishment a sentence has been passed which would prevent him from working there, who has not replaced him by another person acceptable to the licensing authority (article 21).
3. A licensee who has relinquished his licence in contravention of the provisions of article 34 of this Law.
4. A licensee who has violated any of the control measures provided by this Law for whom no more severe penalty is provided.

#### **Article 136**

The penalty of imprisonment for one month to one year and a fine of one million to five million liras shall be imposed on the following:

1. Any person who has contravened article 85 by not having indicated the required information on the labels under which drugs are sold and the labels and notices accompanying packages for retail distribution.
2. Any person who has violated article 86 as regards the manner of transporting, dispatching and marking substances and preparations listed in Schedules 2 and 3.
3. Any person who has contravened the provisions of article 84 as regards advertising of substances, preparations and drugs listed in Schedules 2 and 3 aimed at the general public, and supplying samples of them to physicians and individuals.
4. Commercial transporters if they fail to apply the measures provided by article 74 of this Law.
5. The proprietor of any consignment who has contravened the provisions of article 71 of this Law.

#### **Article 137**

The penalty of imprisonment for a term of two months to two years and a fine of two million to six million liras shall be imposed on any person who has:

1. Written or dispensed a prescription which does not comply with the legal requirements provided by articles 82, 87, 88, 89 and 90 of this Law or in contravention thereof.
2. Contravened the provisions of articles 76 and 77 of this Law in obtaining professional supplies.

3. Dispensed narcotic drugs which are unfit for consumption or the validity of which has expired (article 79).

### **Article 138**

The penalty of imprisonment for a term of one month to one year and a fine of two million to five million liras shall be imposed on any person who is licensed to practise one of the operations provided by this Law and who was obliged to keep registers and to make entries or lists or inventories and to submit periodical or non-periodical information to the competent authorities and failed to do so, or who held such registers and administered them in a manner contravening accepted practice (articles 92, 99, 108, 109, 111, 112 and 117). In the absence of a more severe penalty for the offence, the penalty shall be aggravated in cases of intentional manipulation, deceit, misrepresentation, concealment, recidivism and any similar acts.

### **Article 139**

The preceding penalty shall be imposed, in the absence of a more severe penalty, on any person licensed to possess narcotic substances or psychotropic substances and who has held them in quantities exceeding the quantities resulting from repeated weighing operations or inferior to them, if he has failed to record them in his registers or to inform the Ministry of Public Health promptly whenever the differences have exceeded the following:

- (a) Ten per cent for quantities not exceeding one gram;
- (b) Five per cent for quantities exceeding one gram up to twenty-five grams, on condition that the quantity tolerated does not exceed fifty centigrams;
- (c) Two per cent for quantities exceeding twenty-five grams;
- (d) Five per cent for liquid narcotic substances or psychotropic substances, whatever their quantity.

If the court is satisfied that the excess in the differences is intentional, the perpetrator shall be prosecuted for the relevant more severe offence.

The same penalty provided for in the preceding article shall be imposed on any establishment which has exceeded the quantity which it is licensed to possess or manufacture (articles 54 and 55).

### **Article 140**

The penalty of a term of hard labour shall be imposed on any person who has assaulted a public official charged with the implementation of this Law or who has resisted him by force or with violence during the performance of his function or because of it.

The penalty shall be hard labour for life if the assault results in a permanent disability or irremediable disfigurement or if the offender was a member of the authority charged with keeping the peace.

The penalty shall be execution if the assault causes death.

The death penalty shall also be imposed on any person who has murdered a public official charged with the implementation of this Law, during the performance of his function or because of it.

#### **Article 141**

The penalty of imprisonment for a term of six months to three years and a fine of two million to five million Lebanese liras shall be imposed on any person who has resisted officials of the Judicial Police, pharmacy inspectors or agricultural engineers in any manner whatsoever to prevent them from performing the functions with which they are charged by virtue of this Law. Employers shall be jointly responsible with their employees for payment of the fine imposed, even if they were not accessories to the act.

#### **Article 142**

The penalty of imprisonment for a term of one month to one year and a fine of one million to five million liras shall be imposed on any person who has divulged a secret in contravention of the provisions of articles 116 and 203 of this Law.

#### **Article 143**

The penalty of imprisonment for a term of three months to two years and a fine of two million to five million liras shall be imposed on any person who has operated a motorized land vehicle while under the influence of a high-risk narcotic drug which he has abused in an illicit manner.

The penalty shall be doubled in the case of a maritime vessel or an aircraft, or if its operator has caused material damage.

If he has caused physical injury, aggravated characterization shall be applied to the offence committed.

In all the preceding cases, the court may order the withdrawal of the operating licence for a period of three months to three years, or final withdrawal in the event that he has caused collective death.

#### **Article 144**

If members of the security forces suspect that the operator of a vehicle is under the influence of a high-risk narcotic drug and ask him to undergo the tests and examinations established by decision by the Minister of Public Health, he shall submit or shall desist from operating the vehicle, failing which he shall be prosecuted under the preceding article.

### **CHAPTER FIVE SPECIAL PENAL PROVISIONS**

#### **Article 145**

##### **Competence**

Further to the general provisions of articles 15, 16, 17, 20, 21 and 22 of the Penal Code, Lebanese courts shall be competent to hear cases involving the offences provided by this Law, in the following instances:

- If the offence has been committed within the territory of Lebanon or if one of the constituent deeds of the offence was committed within that territory, even if the other constituent deeds were committed in various countries.
- If the perpetrator was a Lebanese or had permanent residence in Lebanon.
- If the perpetrator was present on Lebanese territory and had not been extradited.
- If the offence was committed on board an aircraft registered in Lebanon or a ship flying the Lebanese flag.

- In compliance with international agreements, if the offence was committed on board a ship and the flag State had permitted the Lebanese authorities to visit and search the ship and to take appropriate measures in the event of discovery of evidence of involvement in illicit trafficking, with regard to the ship, the persons on board, and its cargo.

## **Article 146**

### **Attempts**

Any person who has attempted to commit any of the felonies provided by this Law shall be punished pursuant to articles 200 and 201, as amended, of the General Penal Code.

The perpetrator of any attempted misdemeanour and infamous misdemeanour provided by this Law shall be additionally punished as provided by article 202 of the General Penal Code.

An attempt shall be considered established by the mere undertaking of financial transactions preparatory to the commission of the offence.

## **Article 147**

### **Joinder of offences**

If the procedures of prosecution culminate in the conviction of the accused of having committed a number of offences including one or more offences provided by this Law, or if separate proceedings have culminated in the conviction of the accused for the perpetration of a number of offences including one or more offences provided by this Law, and the acts which led to the pronouncement of these two judgements had been committed prior to the other sentence becoming final, sentence shall be passed imposing each of the applicable penalties, and the penalties of deprivation of liberty which have been imposed shall be accumulated within the maximum limit provided by the law for the more serious of the crimes.

## **Article 148**

### **Criminal complicity**

Accomplices, instigators and intermediates shall be sentenced to the same penalty imposed on the principal actor in offences provided by this Law.

## **Article 149**

### **Exemption from or mitigation of penalty**

An accomplice or intermediate who has on his own initiative informed the public authorities of an offence before it comes to their knowledge and enables them to prevent its perpetration, to identify the other accomplices and to even partially seize the property and resources which were the object of the operation shall be exempted from punishment.

An accomplice or intermediate who provides the authorities with information concerning an offence after it has come to their knowledge shall benefit from a mitigating excuse if such information leads to the detention of the offenders or of some of the offenders or to the detection of persons who were accomplices in the offence and who were connected with local or international criminal gangs.

## Article 150

### Grounds for aggravation of penalties

The maximum penalty shall be doubled in the following instances:

- If the role of the offender was to organize or direct or finance perpetration of the offence.
- If the offender was a recidivist. Recidivism shall be considered to include convictions by foreign courts for offences similar to the offences provided by this Law.
- If the offender was involved with an international narcotics smuggling gang or working for it or collaborating with it, or if the act he perpetrated constituted part of an international operation to smuggle narcotics or to launder money, or was concurrent with an international offence involving arms smuggling, forging of currency or terrorism, or constituted part of the operations of an international gang involved in the perpetration of international offences.
- If the offender was a member of a local organized gang.
- If he had participated in other illegal activities facilitated by the offence.
- If he used violence or arms.
- If he occupied a public office at the time the offence was committed.
- If he was a health professional or was charged with combating the abuse of narcotic drugs and trafficking therein or with controlling their circulation or possession.
- If the narcotic drug was given to a minor or to a mentally handicapped person or to a person undergoing treatment for addiction, or if it was offered to such a person for use or if its use had been facilitated.
- If a minor or a mentally handicapped person had participated in the commission of the offence.
- If the narcotic drugs delivered had caused the death of a person or of a number of persons or had exposed the health of a person or of a number of persons to serious harm.
- If the offence was committed in a correctional or military or treatment establishment or in a social services centre or in other places frequented by pupils and students to take part in educational, sports or social activities or in areas immediately adjacent to such establishments or places.
- If the offender had added to the narcotic drugs substances that multiplied their danger.
- Mitigating circumstances may not be granted in the instances referred to in these articles.

### Precautionary measures

## Article 151

In the event of the prosecution and conviction of a narcotics addict, the court may oblige him in its sentencing, in addition to the penalty imposed, to submit himself to treatment for his addiction or to the care measures provided by this Law.

**Article 152**

If the person sentenced for an offence involving narcotics, property and its proceeds is a foreigner, the court may order his permanent expulsion from Lebanese territory in cases of repeated felonies and misdemeanours, or for a period of one year to five years in cases of misdemeanour. The person sentenced to expulsion shall be conducted to the border upon expiration of the term of imprisonment.

**Article 153**

In addition to the penalties provided by this Law, the convicted person may also be sentenced to deprivation from the practice of his profession for a period equivalent to the term of deprivation of liberty to which he was sentenced.

Any violation of a sentence of deprivation from professional practice shall be punished with a term of imprisonment not exceeding two years and a fine of one million to five million Lebanese liras.

**Article 154**

1. The provisions of the first paragraph of article 39 on revocation of a licence shall be applied to licensees in premises licensed by virtue of this Law.

2. The licence of any premises in which one of the offences provided by paragraphs 3 and 4 of article 126 of this Law shall be revoked and such premises shall be closed for a period of one month to one year in the case of a first offence and permanently in the case of recidivism, while it will continue to be possible to exploit the premises for other purposes.

3. The court shall order the closure of any premises if one of the offences provided by articles 125 to 132 inclusive of this Law are committed therein, for a period not exceeding one year.

**Subsidiary and additional penalties****Article 155**

In all cases, the court shall order the confiscation of prohibited plants and substances if they have been seized and have not been destroyed, or it may order that they be delivered to a licensed body for their use in a licit manner.

The court shall also order the confiscation of the installations, implements, equipment, instruments, machinery and utensils which were used and means of transport which were seized as well as other movable property which was used or prepared for use in the commission of the offence, without prejudice to the interests of bona fide third parties.

Natural persons who have committed offences specified in this Law shall be subject to the additional penalties provided by article 63 and subsequent articles in the Penal Code. Judicial persons shall be considered penally liable for such offences and the following penalties shall be applicable to them:

- The fines provided by articles 125, 126, 128, 129 and 130 of this Law.
- The penalties provided by articles 108 to 111 of the Penal Code.

## **Article 156**

In the cases provided by the preceding article, the court shall order the confiscation of the presumed proceeds of the offence and the movable or immovable property to which such proceeds are presumed to have been converted or for which it is presumed that they have been substituted. The court shall also order the confiscation of licitly obtained property with which the above-mentioned proceeds are mingled, to the equivalent value of the latter, as well as other revenues and benefits derived from such proceeds and properties to which they were converted or in which they were invested or property with which they were mingled.

The court shall pass sentence on the basis of the outcome of an investigation conducted into the true sources of the proceeds and property, to be conducted using all means, in compliance with the Bank Secrecy Law, and it shall include the movable and immovable property of the accused and the property of his spouse, children or others inside the country and outside it.

If it is confirmed to the court that the source of such property is a narcotics offence it shall order its confiscation.

## **Article 157**

The costs incurred in confiscation and in the removal and transportation of the installations and property shall be added to the judicial costs and shall be collected from the convicted person.

## **Article 158**

The court may order the publication of a summary of a final sentence to hard labour or imprisonment for the commission of one of the offences provided by this Law, at the expense of the convicted person, in three local newspapers designated by it.

The court may also order the posting of the sentence indicated in the preceding paragraph in places designated by the court, at the expense of the convicted person.

## **Article 159**

### **Physical enforcement**

If the fine is not paid, it shall be substituted by one day of imprisonment for every 25,000 Lebanese liras.

### **Stay of execution or stay of an effective sentence**

## **Article 160**

A stay of execution of the sentence imposed on a recidivist for the perpetration of any of the misdemeanours provided by this Law may not be granted.

## **Article 161**

In the case of offences provided by this Law, and in the event of a sentence imposing a term of imprisonment of one year or more which does not provide for a stay of execution, the convicted person may not benefit during the first two thirds of the sentence imposed from a stay of execution of the penalty or its apportionment, or from being placed outside the prison, or from obtaining permission to leave the prison, or to enjoy restricted liberty or early release or conditional release.

## **CHAPTER SIX**

### **SPECIAL PROCEDURAL PROVISIONS**

#### **Article 162**

##### **The judicial police**

The head of the Central Narcotics Bureau and all its elements shall have the capacity of judicial officers as regards offences provided by this Law, in addition to all the judicial officers provided by the laws in effect.

The pharmacy inspectors and agricultural engineers employed by the Ministry of Agriculture and their assistants shall have the capacity of judicial officers in matters concerning offences committed in violation of the provisions of this Law.

#### **Article 163**

##### **Preventive custody of persons**

In the cases indicated in articles 125, 126 and 131, officers of the Central Narcotics Bureau may, for important and valid grounds related to the integrity of the investigation, with the written permission of the competent public prosecution office, for a maximum period of three days, which may be extended once with the approval of the Cassation Attorney General if the matter involves an international gang.

#### **Article 164**

##### **Search operations**

Inspection, search and seizure operations may be conducted at any hour of the day or the night in premises in which high-risk narcotic substances or risk substances or precursors are being illicitly manufactured or converted or stored, or in which equipment and utensils prepared for the illicit cultivation, manufacture or production of such substances are stored. Premises in which people congregate to abuse high-risk narcotic drugs may also be raided.

Such an operation must be preceded by permission from the public prosecution if it is to take place in a dwelling.

Such operations may not be conducted at night except with the intent of searching and of discovering offences. Any order made out for another purpose shall be unlawful.

Officers of the Central Narcotics Bureau may accompany pharmacist inspectors and agricultural engineers employed by the Ministry of Agriculture during performance of particular tasks, to make use of their expertise.

### **Seizure and impounding of prohibited substances**

#### **Article 165**

In the event of the commission of an offence, the criminal materials, including prohibited substances, installations, equipment, implements, and other items of movable property which are suspected to have been used or to have been prepared for use in the commission of the offence, and the sums and movable items of value suspected to be directly or indirectly proceeds of the offence shall be seized. All documents considered likely to facilitate establishment of proof of commission of the offence and the conviction of the offenders shall also be seized, without the possibility of invoking professional confidentiality, with the exception of bank secrecy.



## **Article 166**

The seized substances shall be placed in sealed secure receptacles immediately after they have been seized. These secure receptacles shall be prepared in such a manner as to preclude the theft of the plants and substances. Each of the sealed secure receptacles shall be numbered. Its cover or a label incorporated with the seal shall bear a description of the plants and the substances which it contains, indicating their nature and weight and the number of packages placed in it, as appropriate.

A record shall be immediately established, indicating the date of the discovery, its place and its circumstances. It shall include a description of the seized plants and substances and a precise indication of their weight, with an indication of the method of weighing used and the tests conducted upon them, and the results of those tests.

The record shall also include the information stated in the preceding paragraph.

The record shall also indicate the place in which they are to be deposited, and all other useful information.

The record and the information recorded on each of these secure receptacles shall be signed by all the persons who participated in the preparation of the secure receptacles.

The sealed secured receptacles shall be kept in appropriate conditions which preclude their exposure to theft or to various forms of diversion.

In the event of any subsequent action concerning the secure receptacles, a record must be established indicating the purpose of such action and indicating the integrity of the secure receptacles and their covers, or any disappearance, damage or changes which may have occurred to them.

## **Article 167**

If the quantity of seized prohibited substances is so large as to make it difficult to include it in the investigation file, the authority undertaking the investigation shall as soon as possible, and in the presence of the accused or in the presence of two witnesses if it is impossible for the accused to be present, take samples in a sufficient quantity for the purposes of the investigation and trial and the establishment of proof, and for a categorical determination of the nature of the plants or substances seized, in accordance with international standards.

Each sample shall be placed in a sealed secure receptacle on the cover of which, or on a label incorporated with the seal, shall be indicated the nature and weight of its contents.

After the samples have been taken, the seals shall be replaced and a record shall be established indicating the number of times samples were taken, the nature and weight of the plants and substances which were taken each time, and the changes which have occurred to the original sealed secure receptacles.

The record and the information recorded on each sample and on the re-sealed secure receptacles shall be signed by all the persons who took part in these operations or who were present at the time they were conducted.

## **Article 168**

### **Disposal of seized substances**

With the exception of cases in which impounding of seized substances and plants is necessary for the proceedings, the competent judicial authority shall order the execution of the following as soon as possible after the seizure has been made and after samples have been taken:

- Delivery of drugs which are fit for use to a pharmacist in a treatment establishment;

- Delivery of plants and substances fit for use in the pharmaceutical industry or another industry, depending upon the nature of the substance concerned, to a public or private establishment licensed to use them or to export them;
- Total destruction of other plants and substances. This shall be undertaken immediately and in the most appropriate manner, in the presence and under the supervision of a representative of the public prosecution;
- In cases where impounding the plants and substances is necessary for the proceedings, they shall be delivered and destroyed as soon as a final sentence on their confiscation is rendered, in accordance with the pronouncement.

Delivery and destruction operations shall be recorded in a report in which a precise indication shall be made of the number of sealed secure receptacles which were delivered or destroyed. The labels of the sealed secure receptacles or the information recorded on their covers shall be attached to this report, which will be signed by all the persons who participated in the delivery or destruction operation, or who were present at the time it was carried out.

## **Article 169**

### **Technical expertise**

Should the circumstances require technical expertise for the examination of the samples with the aim of determining the nature of the seized plants and substances, their composition and their contents, the public prosecution or the judicial authority which will take custody of them thereafter shall appoint an expert or a committee of experts and shall undertake a technical examination as soon as possible after the seizure, with the aim of limiting the risk of the occurrence of any physical or chemical change.

The expert shall indicate in his report the number of samples entrusted to him, and the nature and weight of the plants and substances contained in each of the samples, as well as the number of samples used. As appropriate, he shall indicate the number of samples which he has reprocessed and the resultant changes which they have undergone.

## **Article 170**

### **Control of post offices**

Persons responsible for the investigation or detection of crimes may undertake search operations, night or day, in post offices with the objective of detecting illicit consignments of narcotic drugs and precursors. If there is substantial evidence leading to the belief that such consignments are present, they may open them in the presence of the person concerned and with his permission. Otherwise, they shall be opened with the permission of the public prosecution, and a report shall be made to that effect.

## **Article 171**

### **Body search and search of effects**

The competent judicial officers may at the borders or in public places undertake body search operations or the search of luggage, with the aim of detecting crimes provided by this Law.

## **Article 172**

### **Use of medical examination techniques to detect offences**

If there is substantial evidence leading to the belief that a person is transporting high-risk or risk narcotic substances concealed in his body, he may be subjected to a medical examination, after his written permission has been given or after authorization has been obtained from the public prosecution, which shall designate a physician for this task. The latter will make out a detailed report in which he shall indicate the results of the medical examination, and the manner in which it was carried out. He shall submit this report without delay to the public prosecution.

Any person refusing to submit to such an examination shall be punished with imprisonment for a term of one year to three years and a fine of two million to five million liras.

## **Article 173**

### **Controlled transit**

1. Written permission may be given for the transit of the plants and substances governed by this Law through the territory of Lebanon if they are being dispatched or if it is suspected that they are being dispatched in an illicit manner, with the objective of identifying the persons involved in these offences and prosecuting them.

2. The decision to resort to controlled transit shall be taken by the Director of the Central Narcotics Bureau after having obtained the authorization of the Cassation Public Prosecutor and the Director-General of Customs. The decision shall be conveyed immediately to the judicial police with jurisdiction over the place in which the consignment is presumed to enter or to leave Lebanese territory, or the presumed point of delivery of the consignment.

3. The Director of the Central Narcotics Bureau or whomever he delegates shall direct and supervise the operation and order whatever intervention he considers appropriate. He may, as appropriate, with the approval of other concerned States, and in compliance with ratified agreements, decide to intercept the illicit consignment and permit it to continue on its way, either intact or after having seized the plants and substances. He may also replace them with other products as appropriate.

## **Article 174**

### **Surveillance of and tapping telephone communications**

The competent police force, with the approval of the public prosecution, may subject to surveillance or tapping the telephone lines used by persons with regard to whom there is substantial evidence indicating complicity in one of the offences provided by articles 125, 126, 131 and 132 of this Law. Conversations obtained in this manner may not be considered confirmatory, but may be used only to monitor the movements of the offenders and to benefit therefrom in the detection of the crime.

## **Article 175**

### **Penetration of data systems**

The competent police force may penetrate data systems used by persons regarding whom there is substantial evidence of participation in one of the offences provided by articles 125, 126, 131 and 132. They shall be used in the detection of the crime, after the permission of the public prosecution has been obtained.

## **Article 176**

### **Examination of financial and commercial records**

The competent police force may, despite invocation of professional secrecy, request examination of all financial and commercial records, with the exception of bank records, if there is a probability that they relate to operations connected with the offences provided by articles 125, 126, 131 and 132 of this Law.

## **Article 177**

### **Reward of informants**

The competent authority may pay a reward, from allocated funds, to any person who provides information leading to the detection of the crimes provided by this Law and to the seizure of the substances involved in the offence, or who participates therein or who facilitates it.

## **Article 178**

### **Temporary suspension of licences and temporary closure**

1. The provisions of the second paragraph of article 39 of this Law, on suspension of licences, shall be applied to a licensee prosecuted for one of the offences provided by this Law. In addition to suspension of the validity of the licence, the premises in which the offence was committed may also be closed, pending a court decision.

2. The competent court and the public prosecution may, as appropriate and in instances where paragraphs 2 and 3 of article 154 of this Law are applicable, order the temporary closure for not more than one month of the premises in which the offence was committed.

## **Article 179**

### **Precautionary measures to guarantee the payment of fines and the confiscation of the property of convicted persons and its proceeds**

1. In the event of prosecution for one of the offences provided by this Law, and in order to guarantee the payment of the fines and execution of confiscation, the court may order, at the request of the public prosecution, precautionary measures at the expense of the Treasury affecting the property of the person prosecuted.

Conviction shall constitute confirmation of precautionary seizures and shall permit the final registration of the guaranties.

Dismissal or acquittal shall entail relief, at the expense of the Treasury, from the measures ordered.

The same shall apply in the event of abatement of the public action.

2. In the cases referred to in the preceding article, the court may, to ensure confiscation, order precautionary measures affecting the proceeds which are presumed to be derived from such offences and affecting the property into which these proceeds are presumed to have been transformed, converted or intermingled, as well as the income from such property and proceeds.

## **Article 180**

### **Coordination of combating illicit trafficking**

The Central Narcotics Bureau provided by Part III of this Law shall undertake the gathering of all information capable of facilitating the detection and prevention of illicit traffic, and shall coordinate at both the national and international levels all operations aimed at the suppression of that traffic.

## **Article 181**

### **Anticipated execution**

Sentences passed in presence imposing penalties of not less than imprisonment for a term of one year for offences provided by this Law shall be executed immediately, even if appealed, with the exception of the death penalty.

## **TITLE II**

### **CONTROL OF ADDICTION TO NARCOTICS**

#### **CHAPTER ONE**

##### **MEASURES FOR TREATMENT AND CARE**

## **Article 182**

Complete treatment for the abuse of and addiction to narcotics shall consist of the following three phases:

1. The phase of detoxification and cure of physical dependence on the substance of abuse. This shall be carried out in a specialized sanatorium approved by the Ministry of Public Health, and shall be under a hospitalization regime. Patients shall be guarded by the public forces.
2. The phase of treatment and cure of psychological dependence on the substance of abuse. This shall be carried out in psychosocial clinics approved by the Ministry of Public Health.
3. A complementary phase aimed at assisting the addict to return to a normal life and to rehabilitate him for integration into society. This shall be carried out in a care institution or by natural persons approved by the Ministry of Social Affairs.

#### **CHAPTER TWO**

##### **VOLUNTARY TREATMENT PRIOR TO PROSECUTION**

## **Article 183**

Any addict, before being prosecuted, may voluntarily present himself to the Committee on Control of Addiction to Narcotics provided by article 199 of this Law, requesting physical and psychological treatment for the ailment of addiction. He shall sign a written pledge to this effect, and shall have the right to remain anonymous in this case, and to disclose his identity only to persons bound by professional secrecy. He shall not be prosecuted if he undergoes treatment and continues it until he obtains a certificate proving that he has been completely cured of toxication and physical habituation, and that he has been rid of psychological dependence on the substance of abuse.

**Article 184**

The Committee on Control of Addiction to Narcotics shall refer the addict to a specialized sanatorium, where he shall be placed under observation for one month, during which he shall undergo the necessary tests. The Committee shall assign a social worker from the Ministry of Social Affairs to undertake an investigation and to conduct a study on the private, family, professional and social life of the addict.

At the end of the month, the administration of the sanatorium and the social worker shall each submit a report on the condition of the addict to the Committee on Control of Addiction to Narcotics for a decision to be taken in his regard.

**Article 185**

An addict may directly enter one of the specialized sanatoriums referred to in the preceding article. It shall accept him after he has signed a pledge to undergo treatment. It shall immediately notify the Committee on Control of Addiction to Narcotics, for the assignment of a social worker to conduct a study of his case. In the sanatorium, the addict shall be subject to observation and shall undergo the tests referred to in the preceding article.

**Article 186**

If it is ascertained that the referred person is not in need of detoxification and cure of physical habituation, the Committee shall order his release from the sanatorium, and according to circumstances, shall oblige him to attend a specialized psychosocial clinic, or shall charge a care institution or a natural person approved for this purpose with assisting him.

**Article 187**

If it is ascertained that the referred person is indeed an addict and requires treatment for detoxification, the Committee on Control of Addiction to Narcotics shall order his retention in the sanatorium for a period not exceeding three months. At the end of this period, the administration of the sanatorium shall submit a new report on his condition. Before taking a final decision, the Committee may hear the testimony of the patient and request whatever clarifications it considers appropriate.

If the Committee ascertains that the patient has been cured of toxication and physical dependence, it shall order his release. In the opposite case, it shall order his retention in the sanatorium for another period or for other periods, on condition that the duration of his stay in the sanatorium does not exceed six months. The administration of the sanatorium shall notify the patient in writing of the decision to retain him in the sanatorium, within three days from the date on which the decision was taken. It shall execute the order to release the patient within twenty-four hours of its issuance.

The patient may bring a complaint to the prosecutory authority against the decision taken by the Committee for his retention in the sanatorium, within fifteen days of the date of his notification thereof.

**Article 188**

Upon release of a patient from a sanatorium, the Committee may oblige him to attend a psychosocial clinic once or twice a week to assist him to rid himself of psychological dependence on the substance of abuse, for a period not exceeding three months, at the end of which the responsible physician shall submit a report on the patient's condition. The Committee shall thereupon decide to halt the attendance of the patient at the clinic or to continue it for another period or periods, until the physician reports that the condition of psychological dependence has been cured.

As appropriate, the patient may bring a complaint to the prosecutory authority if he considers decisions by the Committee to be inequitable, within fifteen days of his notification of a decision, in compliance with the preceding article.

### **Article 189**

An addict who perseveres with treatment as required by the Committee on Control of Addiction to Narcotics, and is reported by the administration of the sanatorium to have been cured of addictive toxication, and who has been reported by the physician in charge of the clinic to have been cured of psychological dependence, shall be given a certificate by the Committee indicating that he has been cured of his condition. In this case he shall be conclusively exempted from prosecution, and the costs of treatment shall be borne by the State.

However, should he interrupt treatment and not persevere with it until he has obtained the above-mentioned certificate, he shall be subject to prosecution in accordance with normal practice. The administration of the sanatorium and the psychiatrist shall be obliged to inform the Committee when treatment is interrupted.

### **Article 190**

An addict who has been cured and who has obtained the certificate mentioned in the preceding article may request the Committee, which shall also have the automatic right to do so, to charge a care institution or natural persons approved by the Ministry of Social Affairs to care for the addict and assist him to return to normal life and to be integrated into society, to find appropriate work for him, to provide him with advice and aid, and to see to his various affairs. The institution shall be considered an appropriate place for persons placed under care to meet at least twice a week, under the supervision of psychiatric and social specialists, such a place being considered a medical and social meeting place for them.

## **CHAPTER THREE COMPULSORY TREATMENT**

### **Article 191**

Parents, guardians or a spouse may request the Committee on Addiction to commit a minor son or daughter or ward whose addiction to narcotics is in question to a sanatorium for treatment. The Committee shall decide upon the request after having conducted the necessary investigations and heard the testimony of both parties, either by rejection of the complaint or committal of the addict to a sanatorium for treatment.

The Committee may, as appropriate, order the subject of the complaint to be placed under observation at a sanatorium for a period not exceeding three weeks, for medical observation before deciding upon the request.

Should the Committee decide to commit the addict to a sanatorium, the measures provided for in articles 184 to 190 inclusive of this Law shall be applicable.

The addict shall have the right to bring a complaint against a decision by the Committee within fifteen days from the date of his notification, before the competent prosecutory authority.

### **Article 192**

Anyone who is aware of the presence of a person known to be dangerous to others due to addiction to narcotics shall so inform the public prosecution, which shall investigate the matter, and may refer the addict to the Committee on Addiction to oblige him to undergo treatment, as appropriate, before deciding upon prosecution.

## **CHAPTER FOUR**

### **TREATMENT DURING INVESTIGATION, TRIAL AND SENTENCING**

#### **Article 193**

In the event of the detention of a person for the offence of narcotics abuse, the public prosecution may refer such a person with his assent to the Committee on Addiction, for submission to treatment in accordance with the procedures provided by articles 184 to 190, inclusive, of this Law.

#### **Article 194**

During investigation and trial, an addict may request that he be referred for treatment. The judicial authority with which the case is pending may order a stay of proceedings and refer him to the Committee on Addiction Control, which shall commit him to a sanatorium to undergo the treatment provided by articles 184 to 190, inclusive, of this Law.

#### **Article 195**

In both cases provided by the two preceding articles, if an addict perseveres with treatment until he has obtained from the Committee a certificate proving that he has been cured, on the basis of reports from the administration of the sanatorium and the psychiatrist, this shall be reported to the judicial authority in charge of the case, which shall decide to conclusively stay proceedings against him.

However, if an addict interrupts treatment or refuses it, the judicial authority shall be so informed, in order to continue with his prosecution and trial, from the point at which proceedings were stayed.

#### **Article 196**

A court before which an addict who has refused treatment in the preceding phases is being tried may issue a temporary order obliging him to place himself under treatment for addictive toxication and psychological dependence, in accordance with the procedures provided by articles 184 to 188, inclusive, and article 190 of this Law. Should he submit to this and continue with the treatment until its conclusion and his cure has been established and the Committee on Addiction has so notified the court, the latter shall order a conclusive stay of proceedings against him.

However, if he refuses to accept treatment or does not continue with treatment until he is cured, it shall proceed with his trial and shall sentence him in accordance with normal procedure.

#### **Article 197**

If an addict refuses treatment and the offence of abuse is proved against him, the court shall sentence him in accordance with the penal provisions of articles 127 and 130 of this Law.

Subject to the circumstances of the case, the court may grant the addict a stay of execution if he is not a recidivist, or may make a stay of execution of the sentence conditional upon his subsequent acceptance of referral for treatment, and of his continuing with it until he is cured, failing which execution of the sentence shall be resumed.

The sentencing court shall itself order a conclusive stay of execution of the sentence after the Committee on Addiction Control has informed it that the addict has been completely cured of the ailment of addiction.

#### **Article 198**

In all cases of conviction and sentencing, a person convicted of the offence of addiction may request during execution of the sentence to be referred for treatment. The period of treatment shall be deducted from the term of the sentence if he continues with it until he is cured.



## **CHAPTER FIVE**

### **TREATMENT AND CARE AGENCIES**

#### **Article 199**

The Committee on Control of Addiction to Narcotics shall be established by decree by the Minister of Justice as follows:

1. A judge in the eleventh grade or above: Chairman
2. A representative of the Ministry of Social Affairs
3. A physician from the Ministry of Public Health
4. A representative of the Central Narcotics Bureau
5. A person concerned with narcotics affairs at private institutions: members to be nominated by the competent departments

#### **Article 200**

The Ministry of Public Health shall establish a sanatorium or sanatoriums to treat narcotics addicts for addictive toxication.

#### **Article 201**

The Ministry of Public Health shall establish or approve a number of psychosocial clinics for the treatment of addicts for psychological dependence on drug abuse.

#### **Article 202**

The Ministry of Social Affairs shall establish or approve one or more establishments or designate natural persons who have the necessary competence for the care of addicts after they have been cured of drug dependence.

#### **Article 203**

Professional secrecy shall be observed with regard to addicts referred for treatment. The competent judicial authority may exceptionally grant an exemption of such secrecy for important and serious reasons.

#### **Article 204**

Should it appear to the Committee on Addiction that the presence of an addict in a sanatorium leaves his family without financial resources, it shall propose to the Minister of Social Affairs that such a family be granted, by decision by him, an appropriate monthly stipend, from funds allocated for such purposes.

**PART III**  
**VARIOUS PROVISIONS**

**TITLE I**

**NATIONAL COUNCIL FOR NARCOTICS CONTROL**

**Article 205**

A national council for narcotics affairs shall be established as follows:

- |  |                 |
|--|-----------------|
| - The Prime Minister:                                  | Chairman        |
| - The Deputy Prime Minister:                           | Deputy Chairman |
| - The Minister of Justice                              | Members         |
| - The Minister of the Interior                         |                 |
| - The Minister of Public Health                        |                 |
| - The Minister of Agriculture                          |                 |
| - The Minister of Finance                              |                 |
| - The Minister of National Education, Youth and Sports |                 |
| - The Minister of Social Affairs                       |                 |
| - The Minister of Foreign Affairs                      | Rapporteur      |
| - The Secretary-General of the Council:                |                 |
- Other ministers may be invited to attend the meetings of the Council, as required.

The Head of the Pharmacy Department, the Head of the Narcotics Administration in the Ministry of Public Health, the Director of Narcotics Control, the President of the Medical Association and the President of the Pharmacists Association in Lebanon, and a representative of recognized national institutions in the field of narcotics control may also be invited to attend the meetings of the Council.

**Article 206**

In the absence of the Prime Minister, the Deputy Prime Minister shall deputize for him. All the ministers shall be represented by the competent Directors-General in their Ministries.

**Article 207**

The National Council for Narcotics Affairs shall have the following competence:

- To establish, define and develop the national plan and the Government's policy in the domain of narcotics control;
- To prepare government decisions, at both the national and international levels, with regard to combating the spread and abuse of narcotics and addiction to them;
- To establish the bases of coordination and cooperation between the various national administrations concerned with combating narcotics, and with various institutions and the Arab Bureau for Narcotics Affairs and competent Arab and international administrations;
- To combat the illicit production and manufacture of narcotics, illicit traffic in narcotics and their illicit export, and to propose the total quantity permitted annually for medical and scientific reasons;
- To combat the illicit cultivation of narcotics and to encourage and promote alternative crops;

- To promote prevention, medical and social care, and epidemiological and statistical research and studies;
- To promote information on and public awareness of the dangers of abuse and addiction;
- To supervise the implementation of international treaties;
- To pursue the updating and amendment of legal provisions on narcotics;
- To distribute the budget allocated to narcotics control between the competent ministries, as well as assistance funds granted to non-governmental organizations active in this domain;
- To submit an annual report to the Government on the situation at the national level and developments regarding the supply of narcotics and the demand for narcotics, which shall include all proposals conducive to determining procedures for narcotics control.

#### **Article 208**

The Council shall hold at least two meetings a year, in January and July. It shall hold other meetings as required. The Chairman shall decide the dates of the meetings and shall instruct the Secretary-General to direct invitations for attendance.

#### **Article 209 (Amended by Law 77 of 3 April 1999)**

The Council shall have a Secretary-General at the grade of Director-General, with a bachelor's degree in law. Exceptionally he may be recruited from the officer corps of the internal security forces with at least the rank of colonel, by decree by the Council of Ministers, on the basis of a proposal by the Prime Minister.

The Secretary-General shall have a staff which shall be determined by decree by the Council of Ministers. Staff may be seconded from the various departments.

#### **Article 210**

The Secretary-General shall prepare the schedule of the discussions of the Council. He shall represent Lebanon at international bodies concerned with narcotics control. He shall ensure that the reports provided by international agreements are submitted to the competent bodies.

The Secretary-General shall administer the budget of the Council in accordance with the instructions of the Chairman.

## **TITLE II**

### **CENTRAL NARCOTICS CONTROL BUREAU**

#### **Article 211**

##### **Objective of establishment and competence**

A central bureau for combating narcotics offences shall be established in the Ministry of the Interior. It shall undertake the prosecution of the offences provided by this Law, suppress them and pursue those who commit them.

The Bureau shall be charged with the following:

- (a) To gather information that would facilitate the detection of all offences related to narcotics and abuse of narcotics.

(b) To combat and detect offences involving illicit traffic in narcotics, or the illicit production, possession, obtention, manufacture or exchange of narcotics, or relinquishing or using them, except in legally permitted circumstances.

(c) To combat and detect the cultivation of narcotics in all their forms and destroy them, in cooperation with other security agencies.

(d) To lay down plans and take measures conducive to the achievement of control at the local and international levels.

(e) To cooperate with all the competent departments and their counterparts in other countries.

(f) To implement the plans and policies laid down by the National Council for Narcotics Control.

(g) To participate in international, regional and local conferences concerned with narcotics affairs and narcotics control, and implement the resultant agreements or treaties.

This Bureau shall be the main authority for combating all narcotics-related offences.

#### **Article 212 (Amended by Law 77 of 3 April 1999)**

##### **The Director and his function**

The Central Bureau shall be headed by a senior official of the grade of director, to be appointed by decree on the basis of a proposal by the Minister of the Interior. An officer of the security forces of the rank of colonel at least may be appointed to this position. He shall be directly under the Minister of the Interior, and shall be responsible for:

- Assuming the overall administration of the Bureau and supervising and monitoring all its personnel and coordinating their work.
- Receiving information on narcotics from all the security agencies and forwarding it to the various sections under him for investigation.
- Ensuring the requisite links with various international agencies and the authorities in the various ministries.
- Ensuring the procurement of the necessary equipment and supervising its use by the personnel.
- Training of officers and other ranks and personnel engaged in narcotics control at the national and local levels.
- Taking the necessary decisions regarding pursuit of investigations abroad, as appropriate, and determining the manner in which this is carried out, in agreement with the competent authorities in the countries concerned, after approval by the competent public prosecution office.

## **Article 213**

### **Elements of the Bureau**

The Bureau shall consist of:

- An administration composed of staff seconded or transferred from general departments. The administrative work of the Bureau shall be undertaken by a central office in Beirut and branch offices in the governorates, to carry out control and investigation operations, with direct ties to the competent public prosecution offices.

Officers and other ranks shall be selected for these offices from the security agencies of the Ministry of the Interior. Selection shall be on the basis of proven educational qualifications and high moral standards. They shall be transferred by decision by the Minister of the Interior, on the basis of a proposal by the Director of the Control Bureau.

- The staffing structure of the various sections of the Bureau, the competence, duties and responsibilities, and relations with the military, administrative and judicial authorities shall be determined by regulatory decrees on the basis of proposals by the Minister of the Interior, following consultations with the Director.

## **Article 214**

Officials of government departments and all the security agencies who are informed with regard to cases of illicit trafficking in narcotics, their manufacture or cultivation, or who seize quantities of narcotics shall without delay notify the Central Bureau directly. The relevant file in its entirety shall be forwarded to it after consultation with the competent judicial authority.

## **Article 215**

All security agencies shall also provide support to the staff of the Central Narcotics Control Bureau in its operations, particularly major operations, whenever requested to do so.

The Central Bureau shall submit in December of each year a comprehensive report on the situation of illicit trafficking operations and illicit abuse during the preceding year. One copy of this report shall be submitted to the Minister of the Interior, and one copy to the Public Prosecutor for Cassation.

## **Article 216**

The Director of the Bureau and all its officials and staff shall have the capacity of assistants to the Public Prosecutor in the performance of the functions of the judicial police, in accordance with article 12 of the Code of Procedure of Civil Trials.

## **Article 217**

The competences of the Bureau shall not prevent the pursuit of investigations and their requirements by all officers of the judicial police when informed of the occurrence of an offence. They shall deliver current investigations, seizures and detained persons as soon as possible to the staff of the Bureau stationed in their respective areas, for the completion of procedures in accordance with the law.

## **Article 218**

### **Relations with international bodies**

1. The Central Bureau shall submit the following to the United Nations Organization, in the manner and at the times determined by the Organization:

- An annual report on the implementation of international agreements on controlled substances;
- Detailed reports on illicit trafficking operations of an international nature which reveal new trends connected with the existence of large quantities of substances, or which shed light on the sources that provide traffickers with such substances or the methods which they use;
- All information requested by the United Nations Organization.

2. The head of the Central Bureau or his representative shall participate in meetings organized by the United Nations for heads of national services concerned with the suppression of illicit trafficking offences.

3. The Central Bureau shall be the correspondent of the International Criminal Police Organization in the domain of narcotic drugs.

## **Article 219**

### **International cooperation**

1. The Central Bureau shall establish close relationships with counterpart bureaux and agencies in other countries with regard to the following:

- Rapid exchange of information on all aspects of illicit trafficking offences and with regard to connections between such trafficking and other criminal activities.
- Wide-scale cooperation in investigations related to international trafficking with the aim of establishing the following:
  - \* The identity and description of the traffickers, their places of residence, their movements and their activities;
  - \* Actual or proposed transactions;
  - \* Movements of proceeds and property derived from international trafficking;
  - \* Movements of controlled substances and equipment, instruments and utensils used or prepared for use in the illicit manufacture of narcotic drugs;
  - \* The establishment of secret factories for the manufacture of narcotic drugs.
- Prompt notification of the competent authorities in the countries concerned immediately upon the appearance of reasons leading to believe that a precursor has been imported or exported by transit for use in the illicit manufacture of narcotic drugs, with an indication of the modes of payment and the other essential elements which justify such a presumption.
- The creation of joint teams of investigators, as appropriate, taking into consideration the need to protect the security of persons and property and to ensure total respect for the sovereignty of the State on the territory of which an operation is to take place.
- The provision of substances for purposes of analysis or investigation, as appropriate.

- Exchange of personnel and experts and secondment of liaison officers.

2. The Central Bureau shall cooperate with counterpart agencies in other countries with the aim of planning and implementing training and research programmes which would enable the exchange of information on illicit trafficking, and organizing, as appropriate, regional and international conferences and seminars to reinforce cooperation and to provide an opportunity for studying problems of common concern, particularly the problems and needs of the transit States.

## **Article 220**

### **Controlled delivery**

The Director of the Central Bureau, after having obtained authorization from the Public Prosecutor for Cassation and the Director-General of Customs, shall take a decision to resort to controlled delivery, on condition that in such cases or with regard to consignments from abroad or intended for destinations abroad, the financial arrangements and agreements made with the competent authorities in the countries concerned be respected with regard to jurisdiction.

The Director of the Central Bureau shall direct or supervise operations within the territory of Lebanon, while ensuring that the Public Prosecutor for Cassation is made aware of their course. When necessary, he shall take, with the approval of the competent authorities in the States concerned, a decision to intercept an illicit consignment and permit it to continue on its way, either intact or after seizure of the narcotic drugs or their replacement in their entirety or partially by other products, as appropriate.

## **TITLE III**

### **INTERNATIONAL COOPERATION IN NARCOTICS CONTROL**

#### **General provisions**

## **Article 221**

The provisions under this title govern the extradition of offenders and mutual judicial assistance in the domain of combating illicit acts related to plants, substances or preparations subject to control by virtue of this Law, in the event of the non-existence of a treaty in this respect. Its provisions shall also be applicable to questions not regulated by treaty.

## **Article 222**

The offences provided by this Law shall not be considered financial or political crimes, or politically motivated crimes, as grounds for the refusal of the extradition of the perpetrators or refusal of mutual judicial assistance in criminal investigations and prosecutions and related judicial procedures.

## **CHAPTER ONE**

### **EXTRADITION OF OFFENDERS**

## **Article 223**

The general provisions on extradition in articles 30 to 36 inclusive of the General Penal Code shall be applicable to offences under this Law, on condition that they be in accordance with the provisions of this chapter.

## **Requests for extradition <sup>1]</sup> documents to be submitted**

### **Article 224**

For an extradition request to be accepted, the act which is the subject of the request must be punishable in the requesting State and under Lebanese law by imprisonment for a term of at least one year, and in the case of the imposition of a penalty the sentence must be confirmed and the term of imprisonment must be six months at least.

### **Article 225**

The request shall be accompanied by a copy of the legislative and regulatory provisions which prove that the act involved represents an offence in the requesting State, punishable by the penalty provided by the preceding article.

### **Article 226**

A request shall be refused if there are strong reasons to believe that extradition will facilitate the prosecution and sentencing of the extradited person because of his race, religion, nationality or political views.

## **Mandatory prosecution**

### **Article 227**

A request shall be submitted to the competent judicial authority in the event of refusal of extradition for the following reasons:

- If the offence was committed within the territorial jurisdiction of Lebanon (articles 15 to 18 inclusive of the General Penal Code);
- If the offender was Lebanese;
- If the presumed perpetrator of the offence was on Lebanese territory.

### **Article 228**

If the request concerns the execution of a sentence which has been passed and has been refused by the Lebanese Government on the grounds that the convicted person was Lebanese, and it was requested by the requesting State to ensure execution of the sentence or the remaining part thereof, the Government of Lebanon shall submit the request to the Minister of Justice who shall ascertain its compliance with the required provisions and its compliance with Lebanese law, and shall take the appropriate decision with regard to it.

If the sentence passed was more severe in nature or in duration than the penalty imposed under Lebanese law for the same acts, the competent court, based on an appeal by the convicted person or by the public prosecution, shall replace the penalty passed with a penalty more in compliance with Lebanese law.

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## **Temporary detention**

### **Article 229**

In cases of urgency, and if there are justifying circumstances, the competent court may order the temporary detention of a foreigner whose extradition is sought, on the basis of a request addressed to it directly by any means whatsoever, on condition that there be written evidence or equivalent material evidence that the requesting State has issued a judicial decision ordering the imprisonment of the person concerned or which includes a sentence passed on him for the commission of an offence provided by under this Law to which extradition conditions are applicable.

Such a person may be released if the Government does not receive within twenty days from the date of his detention an extradition request which complies with the legal conditions.

### **Article 230**

The Government of Lebanon may agree to extradition after having studied the request for temporary detention alone, if the person whose extradition is requested declares explicitly before the judicial authority his consent to be immediately extradited.

## **CHAPTER TWO MUTUAL JUDICIAL ASSISTANCE**

### **SECTION ONE SCOPE OF APPLICATION**

#### **Article 231**

A request for mutual judicial assistance or its provision may include the following:

- Notification of judicial documents;
- Undertaking investigations; receipt of testimony or confessions; search and seizure; inspection of objects and of places; identification of proceeds, property, equipment, instruments and substances, or tracing them with the intention of collecting elements of evidence;
- Provision of information and evidence: provision of original documents and records or authenticated copies thereof;
- Seizure, freezing and confiscation of proceeds and property derived from crime;
- Producing witnesses, experts or other persons including prisoners who agree to assist the investigation or to take part in the proceedings;
- Transfer of the judicial proceedings if this is necessary for the due process of justice.

### **SECTION TWO REQUESTS FOR ASSISTANCE**

#### **Article 232**

##### **Contents of a request**

A request shall include:

- An indication of the purpose of the request for assistance;
- Identification of the requesting authority;
- The subject and nature of the investigation or the proceedings of the criminal prosecution or the judicial proceedings related to the request, and the name of the person in charge of supervision of those proceedings and his function;
- A summary of the facts of the case;
- An authenticated copy of the provisions which criminalize it;
- A description of the assistance requested and the measures the implementation of which is requested;
- An indication of the identity of the persons concerned, their nationality, and all information necessary for implementation of the request;
- A translation into Arabic of the entire file on the request.

The State from which assistance is requested may request additional information necessary for execution of the request, and the requesting State may also request additional information as appropriate.

#### **Article 233**

##### **Submission of requests**

Requests and related correspondence shall be submitted through diplomatic channels.

A request may be conveyed orally in urgent cases, on condition that it be subsequently confirmed in writing as soon as possible.

In cases of urgency, requests may also be transmitted through the International Criminal Police Organization, or directly between the two judicial authorities in the States concerned, by any means whatsoever, so long as they form written evidence or material evidence or the equivalent thereof. A request shall not be executed unless the requesting Government notifies the Lebanese authorities within a maximum of twenty days.

### **SECTION THREE REFUSAL OF ASSISTANCE**

#### **Article 234**

Assistance may be refused in the following cases:

- If it involves an infringement of Lebanese sovereignty, security, public order or other basic interests;
- If Lebanese legislation prohibits the measures requested in the case of the offence concerned;
- If acceptance of the request is inconsistent with Lebanese public order;
- If there is no reciprocity between Lebanon and the requesting State;
- If the request is not submitted in accordance with proper practice.

#### **Article 235**

Execution of a request shall be postponed if it would cause a delay of investigation or criminal prosecution or current legal proceedings in Lebanon, and the requesting Government shall be so informed.

**Article 236**

A decision to refuse or to postpone must be substantiated, and the grounds must be conveyed to the requesting State.

**SECTION FOUR  
EXECUTION OF A REQUEST**

**Article 237**

The Minister of Justice shall transmit requests for assistance addressed to Lebanon to the competent judicial authority, after having ascertained their submission in accordance with proper practice.

A request shall be executed in accordance with Lebanese law and the procedures specified in the request, on condition that they be in compliance with Lebanese legislation.

**SECTION FIVE  
SPECIAL PROVISIONS**

**Article 238**

**Restrictions on use**

Information and testimony obtained through assistance may not be communicated and may not be used in Lebanon for purposes relating to investigations or criminal prosecution or judicial proceedings other than those referred to in the request for assistance, unless prior approval is given for this by the State to which the request for assistance was directed.

**Article 239**

**Preservation of confidentiality**

If the requesting State makes the confidentiality of the request and its contents a condition, except to the extent necessary for its execution, and compliance with the request is impossible, this shall be communicated to it as soon as possible.

**Protection of persons**

**Article 240**

A witness, expert or any other person, whether at liberty or under detention, who agrees to come to Lebanon to give his testimony during certain proceedings or to assist with an investigation or with criminal prosecution or a judicial proceeding may not be prosecuted, nor may he be imprisoned or punished or have his personal liberty restricted in any way within Lebanon on the grounds of positive or negative acts or convictions prior to his coming to Lebanon. This immunity shall cease if the person in question remains within Lebanon or returns to it of his free will upon the expiration of a period of fifteen consecutive days from the date of his official notification that his presence is no longer required by the Lebanese authorities.

If the person concerned is imprisoned abroad, he shall remain in prison in Lebanon and he shall be conducted under guard to the State from which he was requested as soon as his presence in Lebanon is no longer necessary.

#### **Article 241**

If a foreign Government considers the presence of a person resident in Lebanon to be necessary, the Government of Lebanon, after having been notified of the summons for this person, shall obtain from him an undertaking to comply with the request. The summons shall not be communicated except on the basis of an undertaking that the person concerned will not be prosecuted, imprisoned or punished or have his liberty restricted on the grounds of events or convictions prior to his appearance. If there are no special considerations to prevent it, the Government of Lebanon shall execute a request for the dispatch abroad of a person imprisoned within its territory to give his testimony or to be confronted with other persons, conditional upon an undertaking being made to return him as soon as possible.

#### **Article 242**

##### **Communication of documents**

If, during investigation of a criminal case, a foreign authority considers it necessary to inspect evidentiary documents or documents which are in the hands of the Lebanese authorities, such a request shall be executed unless there are special circumstances preventing such execution, and on condition that a commitment is made to return such documents as soon as possible.

#### **Article 243**

##### **Transfer of proceedings**

In the event of the prosecution of a foreign person in Lebanon on charges of commission of an offence perceived by this Law who is imprisoned abroad for the commission of one of these offences, the Government of Lebanon may in the interests of the due process of justice and on the basis of a corresponding decision from its competent judicial authorities permit the transfer of proceedings to the foreign Government, if such a Government submits a request therefor.

## **SECTION SIX**

### **PREVENTIVE MEASURES AND CONFISCATION**

#### **Article 244**

##### **Joint provisions**

Any request, whether submitted by Lebanon or addressed to it, for the taking of preventive measures or for the obtention of a confiscation order or for the execution of a confiscation order related to:

- Proceeds from one of the offences provided by this Law or movable or immovable property to which such proceeds have been converted or equalling such proceeds in value;
- Or narcotics or psychotropic substances;
- Or requisites or equipment or utensils or any other objects used or prepared for use in any manner whatsoever in one of the offences provided by articles 125, 126, 128, 129, 131 and 132 which are present within the territory of the State to which the request is directed,

must be dispatched through diplomatic channels, subject to the provisions of articles 232 to 236, inclusive, and to the provisions of this Section. The request must contain, in addition to the information referred to in article 232, an outline of the facts upon which the State has based its request, a detailed definition of the measures requested, and a description of the movable and immovable property concerned.

Furthermore, if the request concerns the execution of a confiscation order made by the requesting State, the request must include a legally acceptable copy of such an order and a clarification of the extent to which its execution is requested.

#### **Article 245**

If the Government of Lebanon receives a request for one of the purposes provided by article 244, it shall transmit it to the Minister of Justice who shall ascertain its compliance with the relevant conditions, before dispatching the file to the representative of the competent public prosecution office.

#### **Article 246**

##### **Preventive measures**

The representative of the public prosecution to whom a request is sent for preventive measures to be taken shall submit such a request to the competent court, which may order that the requested preventive measures which are in conformity with Lebanese legislation be taken at the expense of the Public Treasury and in accordance with conditions provided by Lebanese law. If the requested measure is not provided for in Lebanese law, the court may rule that measures be taken which are provided by this Law and the effects of which are closer to those of the requested measure.

Cessation of measures ordered to be enforced by law shall ensue from a decision by the judicial authority in the requesting State to drop prosecution proceedings or to release or to acquit the accused person, or the lapse of the prosecution proceedings.

Notification of the Government of Lebanon of the passage of a final sentence of conviction shall bring about the confirmation of preventive measures and shall permit conclusive establishment of guarantees provided by Lebanese law, if the State in question so requests.

## **Article 247**

### **Execution of a confiscation order issued abroad**

The representative of the public prosecution to whom a request is sent for the execution of a confiscation order issued abroad shall submit this request to the competent court, which shall confirm those provisions of the order which are in conformity with Lebanese legislation, in accordance with conditions provided by Lebanese law, and shall issue a ruling on its provisions which are not in conformity with Lebanese law. The ruling shall be executed on the basis of a request from the public prosecution.

## **Article 248**

### **Issuance of a confiscation order**

The representative of the public prosecution to whom a request for the issuance of a confiscation order is submitted shall notify the competent court thereof. The court may rule on confiscation in accordance with Lebanese legislation. The ruling shall be executed on the basis of a request from the public prosecution.

## **Article 249**

### **Confiscated property**

The State of Lebanon shall dispose in accordance with its legislation of proceeds and property referred to in the first provision of article 244, confiscated in compliance with articles 246 and 247. However, the following may be stipulated in an agreement made in each such case between the Government of Lebanon and the requesting Government:

Delivery of the value of such proceeds, belongings or property derived from their sale, or a large part thereof, to intergovernmental organizations concerned with combating illicit trafficking in narcotics and psychotropic substances and their abuse, or sharing such proceeds or belongings, or sharing funds derived from their sale.

## **SECTION SEVEN**

### **COSTS**

## **Article 250**

The State of Lebanon shall bear the costs arising from the execution of requests for assistance. If it is unable to afford such costs or if this becomes obvious, the Government of Lebanon shall consult with the foreign Government to determine the conditions under which the request shall be executed and the manner in which costs will be borne.

## **FINAL PROVISIONS**

## **Article 251**

The legal texts applying the provisions of this Law shall be issued by decrees and decisions by the competent authorities in accordance with proper procedure.

## Article 252

The narcotics law issued on 18 June 1946<sup>2]</sup> and all its amendments and all other texts which contradict the present law or which are not in accordance with its contents shall be abolished.

## Article 253

This Law shall take effect immediately upon its publication in the Official Gazette.

### Schedule One<sup>3]</sup>

Schedule IV of the Single Convention on Narcotic Drugs, 1961

Schedule I of the Convention on Psychotropic Substances, 1971

Schedule II of the Convention on Psychotropic Substances, 1971

Schedule III of the Convention on Psychotropic Substances, 1971

Schedule IV of the Convention on Psychotropic Substances, 1971

### Schedule Two

Schedule I of the Single Convention on Narcotic Drugs, 1961

Schedule II of the Single Convention on Narcotic Drugs, 1961

Schedule II of the Convention on Psychotropic Substances, 1971

Schedule III of the Convention on Psychotropic Substances, 1971

### Schedule Three

Schedule III of the Convention on Psychotropic Substances, 1971

Schedule IV of the Convention on Psychotropic Substances, 1971

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<sup>2]</sup> Note by the Secretariat: E/NL.1948/68

<sup>3]</sup> Note by the Secretariat: As the Schedules on this law reproduce the Schedules contained in the Single Convention on Narcotics Drugs, 1961, the Convention on Psychotropic Substances, 1971 and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988, they are not reproduced here.

<b>Schedule Four (Precursors)</b>
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This annex includes: The substances listed below, referred to by their internationally recognized names or by those used in international conventions in force.

The salts of such substances whenever the existence of such salts is possible, with the exception of sulphuric acid and hydrochloric acid.

Schedule I of the Convention against Traffic in Narcotic Drugs and Pshychotropic Substances, 1988

Schedule II of the Convention against Traffic in Narcotic Drugs and Pshychotropic Substances, 1988



**The Republic of Lebanon**

**Ministry of Public Health**

**Directorate General**

Archival No. 4/2-17/203

Beirut, 23 January 2001

**Decision No. 1/61 on Regulating the circulation of items listed in the Schedules attached to  
Drug Law No. 673/98 and its amendments<sup>1]</sup>**

In accordance with Decree No. 4336, dated 26 October 2000, and pursuant to Law No. 673 dated 16 March 1998 on drugs, psychotropic substances and precursors, as amended by Law No. 193 dated 24 May 2000 and Decree No. 2432 dated 11 February 2000, and on the basis of the study of the Pharmaceutical Authority and following the advice of the Medical Welfare Director, and acting upon a proposal made by the Director General of Public Health,

The Minister of Public Health decides the following:

**Article 1:**

The import, export, manufacture, possession and use of all substances and pharmaceuticals listed in Schedule One attached to this Decision shall be prohibited throughout the Lebanese territory.

**Article 2:**

Imports and exports of substances and pharmaceuticals listed in Schedules two and three attached to this Decision<sup>2]</sup> shall be subject to a special prior permit by the Drugs Department of the Ministry of Public Health solely for medical and scientific purposes. Such imports and exports may only be permitted for authorized institutions.

**Article 3:**

(1) The permit referred to in Article 2 shall be given upon request by the appropriate party issued in five copies to be distributed as follows:

- A copy for the importer (or the exporter);
- A copy for the Higher Council of Customs, provided that the latter submits to the Drugs Department a certified copy indicating the actually imported or exported quantity and the date of importation (or exportation);
- A copy to be kept by the Drugs Department;
- A copy to be sent to the competent authority of the exporting (or importing) country.

(2) The validity of this permit shall not exceed a period of three months renewable as necessary. However, at any rate, such permission becomes invalid by the last day of the ongoing year.

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<sup>1]</sup> Note by the Secretariat: E/NL.2002/3

<sup>2]</sup> Note by the Secretariat: See schedules to Law N° 673 dated 16 March 1998, E/NL.2002/3 on page 64.

(3) Any consignment reaching the Customs Department may only be handed over to the pharmacist in charge in the presence of a pharmaceutical inspector and under a written permit for withdrawal or export issued by the Customs Department upon establishing its validity and its conformity with the approved technical specifications and data included in the import permit.

#### **Article 4:**

Institutions dealing with the manufacturing of or trading in substances and pharmaceuticals listed in Schedules two and three of this Law shall keep the two following registers:

- A special register numbered by page for incoming and outgoing drugs listed in Schedule Two, signed by the Head of the Drugs Department, i.e. narcotic drugs;
- A special register for incoming and outgoing drugs listed in Schedule Three, i.e. synthetic substances.

#### **Article 5:**

Pharmacy owners and pharmacists working in hospitals and keeping drug registers are entitled to purchase substances and pharmaceuticals listed in Schedule two under two vouchers carrying a single serial number, from an order counterfoil book in accordance with the model adopted by the Ministry of Public Health, provided that both vouchers should contain the purchaser's name, address and signature as well as the requested substances and pharmaceuticals and the date of the order. The seller shall keep one of the two vouchers and hand over the second to the purchaser sealed and signed by him along with the delivery date of the consignment, listing the name and address of its owner and the delivered quantities in his own register after obtaining the signature of the Head of the Drugs Department on both vouchers.

Drugs listed in Schedule are dispensed to individuals under a drug prescription that shall be kept and recorded on the spot by the pharmacist in his own register, without leaving any blanks or making any omission, modification, or increase. He shall also give the prescription a serial number and list the following:

- The name, address and title of the prescribing doctor;
- The patient's name and address;
- The date of dispensation;
- The specialized designation of the drug or its preparation method;
- The dispensed quantity.

The prescription shall be re-recorded in the special register for incoming and outgoing drugs with the mentioning of its serial registration number, and signed and sealed by the pharmacist who shall also obtain the signature of the drugs receiver and list the number and date of its registration. The register shall be kept for a 10-year period.

- Dispensation of any medical prescription whose issuance exceeded seven days shall be prohibited.
- Dispensation of any medical prescription during a period covered by a previous one shall be prohibited unless referred to by the physician.
- Dispensation of drugs listed in Schedule Two for a period exceeding seven days shall be prohibited, unless approved by the Head of the Drugs Department.

As for hospitals, the pharmacist in charge shall keep the empty drug packages so as to be disposed of by the pharmaceutical inspector. The prescription shall be recorded in the patients log, with its date and the quantities dispensed, and shall be duly signed by the doctor.

Such information is then listed in a voucher from a numbered book in accordance with the model determined by the Drugs Department. It shall be returned to the pharmacist together with the empty packages where the dispensed quantities are recorded in the daily prescriptions register and the incoming and outgoing drugs register.

**Article 6:**

Pharmacies designated for selling to the public or those working in hospitals are entitled to purchase synthetic substances or substances and pharmaceuticals listed in Schedule Three under two vouchers from an order counterfoil book in accordance with the model adopted by the Ministry of Public Health, both containing the purchaser's name, address and signature, as well as the names of the requested substances and pharmaceuticals and the order's date. The seller shall keep one of the two vouchers and hand over the second to the purchaser, sealed and signed by him along with the listing of the order's date, its delivery and the delivered quantities in his own register.

Drugs listed in Schedule Three are dispensed to individuals under a renewable medical prescription valid for a maximum period of six months unless otherwise referred to by the prescriber. Such prescriptions shall be recorded on the spot by the pharmacist in his own register without leaving any blanks or making any omission, modification or increase. Every dispensed drug shall be registered under a different serial number after listing the following:

1. The name and address of the prescribing doctor;
2. The patient's name and address;
3. The date of dispensation;
4. The name of the drug;
5. The dispensed quantity.

The name and address of the person to whom the prescription belongs shall be recorded in the medical prescription register along with any renewal of the prescription, signed and sealed by the pharmacist, who shall record its number and date as well as the dispensed quantity and obtain the signature of the drug receiver and his address.

**Article 7:**

Drug purchasing books shall be substituted with new purchasing books, duly sealed by the Drugs Department.

**Article 8:**

(1) Registration of processes other than dispensation to individuals. Every person authorized in dealing with the purchase of substances or pharmaceuticals listed in Schedules Two and Three, or their dispensation, sale, export or import shall record any such dealing in the drugs or synthetic substances registers.

The registration shall include the date of the process and the name and address of the person involved, as well as the name of the drug or its formula along with the quantity of every incoming and outgoing drug.

(2) Enterprises involved in the manufacturing, conversion, partitioning or use for any purpose of the substances mentioned in this article shall also record in the register at the time of every action data on the quantity and nature of every used substance and every product derived therefrom, as well as the lost quantities as a result of such processes.

**Article 9:**

All specified registers and documents relating to narcotic drugs and synthetic substances shall be kept as of the last registration for a period of ten years and shall be presented to the competent authorities on request.

**Article 10: Periodic statements**

(1) The pharmacist in charge, whether a drug importer or manufacturer shall provide during the first week of every season a quarterly statement to the Drugs Department on the previous quarter, in which he lists the incoming and outgoing quantities, the balance of substances under control and a general statement on the processes involved.

(2) All natural and legal persons and private and public institutions dealing with substances and pharmaceuticals subject to control under this Law shall submit to the Drugs Department during January of every year a statement covering the previous year, and the following shall be indicated therein:

- Imported quantities;
- Quantities produced or manufactured of every substance;
- Quantities of every substance used in manufacturing other substances subject to control, exempted or not covered by this Law;
- Consumed quantities;
- Stored quantities.

**Article 11:**

Provisions applicable to Schedule Four

- Import and export of substances and pharmaceuticals listed in Schedule Four are subject to a special prior permit issued by the Drugs Department of the Ministry of Public Health. Such permits are solely granted to authorized institutions.

(1) Import and export permits shall be issued in three copies and distributed as follows:

- A copy accompanying the merchandise;
- A copy to the exporter or importer;
- A copy to the Drugs Department of the Ministry of Public Health.

(2) Such permits shall be valid for three months, to be renewed if needed. However, they become invalid by the last day of the year.

(3) Customs authorities may only deliver the consignment in the presence of a pharmaceutical inspector and under a permission or a written export order issued by the Drugs Department. Manufacturers, importers, exporters, wholesalers and retailers shall record any purchase or sale of substances listed in Schedule Four in a numbered register signed by the Drugs Department without leaving any blanks or making any omission or modification, provided that the recordings include the name of the purchased or sold product, its quantity and the purchaser's name and address. However, retailers are not obliged to register the purchasers' names. The registers shall be kept for ten years following the recording of the latest process and shall be submitted to the competent authorities on request.

**Article 12:**

This decision shall be published in the *Official Gazette* and becomes valid one month after its publication.

(Signed)

Minister of Public Health  
Sulaiman FranJiyah

## Law N° 318

### Fighting money laundering

[Extract from the Official Gazette-Number 20-April 26, 2001]

The Parliament has adopted, and

The President of the Republic is promulgating the text of the following Law:

#### Article 1

Under the provisions of this Law, illicit funds are to be understood as any asset resulting from any of the following offences:

1. The growing, manufacturing, or trading of narcotics.
2. Acts committed by associations of wrongdoers, that are specified by Articles 335 and 336 of the Criminal Code, and internationally identified as organized crime.
3. Terrorist acts, as specified in Articles 314, 315 and 316 of the Criminal Code.
4. Illegal arm trade.
5. The offences of stealing or embezzling public or private funds or their appropriation by fraudulent means, and which are punishable under Lebanese law by a criminal penalty.
6. Counterfeiting money or official documents.

#### Article 2

Money laundering is any act committed with the purpose of:

1. Concealing the real source of illicit funds, or giving, by any means, a false statement about the said source.
2. Transferring or substituting funds known to be illegal for the purpose of concealing or disguising their source, or helping a person involved in the offence to dodge responsibility.
3. Acquiring, holding or using illicit funds, or investing such funds in purchasing movable or immovable assets, or in carrying out financial operations, while being aware of the illicit nature of these funds.

#### Article 3

Any person who undertakes money-laundering operations, or intervenes or participates in such operations, shall be punishable by imprisonment for a period of three to seven years, and by a fine of no less than twenty million Lebanese pounds.

#### **Article 4**

Institutions not subjected to the provisions of the Banking Secrecy Law of September 3, 1956, including individual institutions, namely exchange offices, financial intermediation companies, leasing companies, mutual funds, insurance companies, as well as companies promoting, building and selling real estate, and merchants dealing with high-value commodities (jewelry, precious stones, gold, art collections, antiques) must keep special records for operations that exceed an amount to be determined by the Banque du Liban in the regulations to be set out under Article 5 of this Law.

They must also ascertain, through official documents, the identity and address of each client, and must keep, for a period of no less than five years, photocopies of these documents, as well as photocopies of the operation-related documents.

#### **Article 5**

Institutions subjected to the provisions of the Banking Secrecy Law of September 3, 1956 must control their operations with clients, in order to avoid involvement in what may conceal money laundering operations resulting from any of the offences specified by this Law.

Within one month from the enforcement of this Law, the Banque du Liban shall establish and publish regulations setting out the rules of such control, including, as a minimum, the following obligations to be met by banks and financial institutions:

- a. To ascertain the true identity of their permanent clients and that of the beneficial owner, when operations are carried out through proxies, through figureheads acting for individuals, institutions or companies, or through numbered accounts.
- b. To apply the same identity verification process to transient clients, when the value of the requested operation or series of operations exceeds a specified amount.
- c. To keep, at least for a five-year period after completing the operations or closing the accounts, photocopies of all operation-related documents, as well as photocopies of official documents about the identity of operators.
- d. To identify signals revealing the existence of money-laundering operations, and set out the principles of due diligence that could detect suspicious operations.
- e. To refrain from delivering incorrect statements that aim at misleading administrative or judicial authorities.
- f. To ensure that their auditors monitor the implementation of regulations to be set out under this Article, and that they report any violation to the Governor of the Banque du Liban.

#### **Article 6**

1. An independent, legal entity with judicial status shall be established at the Banque du Liban, and shall discharge its duties without being under the authority of the Banque du Liban. Its mandate is to investigate money-laundering operations, and to monitor compliance with the rules and procedures stipulated by this Law. It will be named hereafter "*the Special Investigation Commission*" or "*the Commission*".

2. ***The Special Investigation Commission*** shall consist of:

The Governor of the Banque du Liban or, in case of impediment, one of the Vice-Governors designated by him.	Chairman
The President of the Banking Control Commission or, in case of impediment, a member of the Commission designated by him.	Member
The judge appointed to the Higher Banking Commission or, in case of impediment, the alternate judge appointed by the Higher Judicial Council for a period equal to the term of the judge.	Member
A member and his/her alternate, recommended by the Governor of the Banque du Liban and appointed by the Council of Ministers.	

3. ***The Special Investigation Commission*** The Special Investigation Commission shall appoint a full-time Secretary, who shall be responsible for the tasks assigned to him by ***the Commission***, and for implementing its decisions. The Secretary shall directly supervise a special body of auditors designated by the ***Commission*** for the purpose of controlling and verifying the implementation of the obligations mentioned in the said law. The said control shall be done on a continuous basis. And none of these shall be bound by the provisions of the Banking Secrecy Law of September 3, 1956.
4. The mission of ***the Special Investigation Commission*** is to investigate operations that are suspected to be money-laundering offences, and to decide on the seriousness of evidence and circumstantial evidence related to any such offence or offences.

When accounts opened at banks or financial institutions are suspected to have been used for money-laundering purposes, the lifting of banking secrecy provisions to the benefit of the competent judicial authorities and the Higher Banking Commission represented by its Chairman, shall be the exclusive right of ***the Commission***.

5. ***The Commission*** The Commission is convened by its chairman. It shall meet, at least, twice a month and as needed. The legal quorum requires the presence of three members at least.
6. ***The Commission*** The Commission shall take its decisions at a majority of the attending members. In case of a tie, the Chairman shall have a deciding vote.
7. ***The Commission*** The Commission shall establish, within one month from the enforcement of this Law, its own functioning rules and regulations governing its regular and contractual staff who are subjected to private law, namely the obligation of confidentiality.

In the framework of the budget prepared by ***the Commission*** and approved by the Central Council of the Banque du Liban, the expenses of ***the Commission*** and of its ancillary bodies shall be borne by the Banque du Liban.

#### Article 7

1. The concerned parties referred to in Articles 4 and 5 of this Law must immediately report to ***the Commission*** the details of operations they suspect to be concealing money laundering.
2. In discharging their duties, the auditors of the Banking Control Commission must, through their Chairman, report to ***the Commission*** any operations they suspect to be concealing money-laundering operations.

#### Article 8

1. Upon receiving information from the concerned parties mentioned in Article 7, or from official Lebanese or foreign authorities, ***the Commission*** shall convene immediately to consider the case.



2. After perusing the received information, ***the Commission*** shall, within a period of three working days, take a temporary decision to freeze the suspected account (s) for a one-time renewable period of five working days, when the source of funds remains unknown or suspected to proceed from a money-laundering offence. During the said period, ***the Commission*** shall continue the investigation of the suspected account (s) either directly or through a delegated member of ***the Commission*** or a designated concerned responsible, or through its Secretary or an appointed bank auditor. All designated persons shall discharge their duties under the obligation of confidentiality, but without being bound by the provisions of the Banking Secrecy Law of September 3, 1956.
3. After completing its investigations, ***the Commission*** shall take, during the temporary freezing period of the suspected account (s), a final decision on whether to free the said account (s) if the source of funds is not found to be illicit, or to lift banking secrecy regarding the account (s) and maintain the freezing. If, at the end of the period stipulated in Paragraph 2 above, the Commission does not render any decision, the said account (s) shall be automatically deemed free. The final decision of ***the Commission*** is not subject to any ordinary or extraordinary form of administrative or judicial recourse, including recourse against abuse of authority.
4. In case of a decision on lifting banking secrecy, ***the Commission*** shall send a certified copy of its justified, final decision to the State Prosecutor of the Supreme Court, the Higher Banking Commission through its Chairman, the concerned party, the concerned bank, and the concerned foreign authority. This shall be effected either directly or through the official party through which the information has been received.

#### **Article 9**

The Chairman of ***the Commission*** or his/her directly designated delegate may communicate with any Lebanese or foreign judicial, administrative, financial, or security authority, in order to request information or know the details of previous investigations that are linked or related to ongoing investigations by ***the Commission***. And the Lebanese authorities must immediately respond to such an information request.

#### **Article 10**

***The Commission*** The Commission shall establish a central system named ***the Financial Investigation Administrative Unit***, which will function as the competent authority and the official center for monitoring, collecting and archiving information on money-laundering offences, and for exchanging information with foreign counterparts.

***The Financial Investigation Administrative Unit*** The Financial Investigation Administrative Unit shall periodically provide ***the Commission*** with all available information on money-laundering offences.

***The Commission*** The Commission shall determine the number of the members of this Unit, their functions and their compensation. When necessary, it shall take statutory disciplinary measures, including termination of employment in case of breach of duty, without precluding the possibility of civil or criminal prosecution. All these persons shall be submitted to the same obligations that bind the members of the ***Commission***, especially the obligation of confidentiality.

#### **Article 11**

Except for a decision by ***the Commission*** to lift banking secrecy, the reporting obligation stipulated by the present Law is absolutely confidential. This absolute confidentiality shall apply to any reporting, natural or moral person, as well as to the documents submitted for this purpose, and to the documents and procedures related to each stage of the investigation.

## **Article 12**

Within the scope of their duties under the provisions of this Law, the Chairman and members of *the Commission*, and *the Commission's* staff and delegates, shall enjoy immunity. In consequence, they may not be prosecuted or sued, neither collectively nor individually, for any civil or criminal liability related to the discharging of their duties, including offences specified by the Banking Secrecy Law of September 3, 1956, except when any of them discloses banking secrecy.

In discharging their duties under the provisions of this Law, or according to the decisions of *the Commission*, the bank and its staff shall enjoy the same immunity.

## **Article 13**

Any person who violates the provisions of Article 4, 5, 7 and 11 of this Law shall be punishable by imprisonment for a period of two months to one year and a fine not exceeding ten million Lebanese pounds, or by either penalty.

## **Article 14**

The State shall confiscate any movable or immovable assets that are proved, by a final court ruling, to be related to, or proceeding from, offences listed in Article 1 of this Law, unless the owners of the said assets prove in court their legal rights thereupon.

## **Article 15**

The reservations specified in Paragraphs 2, 3 and 4 of Article 1 of Law No. 426 of May 15, 1995, related to the ratification of the 1988 United Nations Convention on Fighting Illegal Trade of Narcotics and Psychotropic Drugs, are repealed, as well as the provisions of Article 132 of Law 673 of March 16, 1998, on Narcotics, Psychotropic Drugs and their Raw Materials<sup>1]</sup>.

## **Article 16**

Upon entry into force of this Law, any legal provision that is contrary to, or inconsistent with its provisions, especially those specified in the Banking Secrecy Law of September 3, 1956, and those of Law 673 of March 16, 1998, on Narcotics, Psychotropic Drugs and their Raw Materials, shall cease to be operative.

## **Article 17**

This Law shall enter into force on its publication date in the Official Gazette.

Babda, April 20, 2001

Signed Emile Lahoud

Promulgated by the President of the Republic

The President of the Council of Ministers

Signed Rafic Hariri

The President of the Council of Ministers

Signed Rafic Hariri

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<sup>1]</sup> Note by the Secretariat: E/NL.2002/3