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## LAWS AND REGULATIONS

### PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances,  
the Secretary-General has the honour to communicate the following legislative text*

### MONGOLIA

Communicated by the Government of Mongolia

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 or laws and regulations have been deleted by the Secretariat, such deletions are indicated by [...].

### Law on Control of Trafficking in Narcotic Drugs and Psychotropic Substances

**LAW OF MONGOLIA ON CONTROL OF TRAFFICKING IN NARCOTIC DRUGS  
AND PSYCHOTROPIC SUBSTANCES**

Ulaanbaatar city, 28<sup>th</sup> day of November 2002

**CHAPTER ONE**

**General provisions**

**Article 1. Purpose of the law**

1.1. The purpose of this law is to control of trafficking in narcotic drugs and psychotropic substances and to regulate relations connected with preventing and protecting public health and human genetic fund from the harmful effects of these type of substances.

**Article 2. Legislation on control of trafficking in Narcotic Drugs and Psychotropic substances**

2.1. The legislation on control of trafficking in Narcotic drugs and psychotropic substances shall consist of the Constitution, Laws on National Security and Drugs, this law and other legislative acts, enacted in conformity with them.

2.2. If the International treaty to which Mongolia is a Party provides otherwise than this law, then the provisions of that international treaty shall prevail.

**Article 3. Definitions of the law**

3.1. The following terms used in this law shall be understood in the below mentioned meanings:

3.1.1. **“Narcotic drugs and psychotropic substances”** means any drugs, natural or synthetic raw materials that have addictive and other strong psychoactive effects, and contained in the list provided in the UN Convention on Narcotic Drugs 1961 and UN Convention on Psychotropic Substances 1971, and that should be under control in Mongolia according to the legislation;

3.1.2. **“Trafficking in narcotics and psychotropic substances”** means any activity determined by this law and other legislation for preparation, distribution, trade, use, transportation, storage, destruction, entry through the borders of Mongolia and its transit over the territory of this country;

3.1.3. **“Manufacture of narcotic drugs and psychotropic substances”** means any harvesting of plants that have narcotic effects and grows in the nature, its plantation and cultivation, refining of (elimination of impurities) processing and production in synthetic or natural material;

3.1.4. **“Raw material of narcotic drugs and psychotropic substances”** means any substance used in production manufacture and processing of narcotic drugs, psychotropic substances and plants that have narcotic effects, provided in the legislation and in international treaties to which Mongolia is a Party, and to be controlled in this country;

3.1.5. **“Drug addiction”** means a pathological condition caused by dependence on narcotic type substances.

## CHAPTER TWO

### TRAFFICKING IN CONTROL OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

#### **Article 4. Use and utilization of narcotic drugs, psychotropic substances and their raw materials**

4.1. The following organizations may use narcotic drugs, psychotropic substances and their raw materials for the below mentioned purposes:

4.1.1. Hospitals and academic research institutions for the purpose of medical treatment, research and studies;

4.1.2. Organizations charged with control responsibility on illicit trafficking in narcotic drugs and psychotropic substances for the purpose of research and training;

4.1.3. Competent authority for conducting undercover activities for the purpose of revealing organized criminal group activities, and making a comparison.

4.2. Patient, who obtained a medical prescription for consumption of narcotic and psychotropic drugs from a physician, may use that drug.

4.3. The Government Cabinet shall approve a list of narcotic drugs, psychotropic substances and organizations that may use them for the purpose of research and study, and the regulations for use thereof.

#### **Article 5. Dispensing of narcotic and psychotropic drugs**

5.1. Narcotic and psychotropic drugs to be used for the purpose of medical treatment shall be dispensed only by a special prescription of a physician.

5.2. There shall be one drug store (pharmacy shop) in each soums (county) and districts, authorized for dispensing narcotic and psychotropic drugs. Their location shall be determined by the aimag (province) and capital city health authorities.

5.3. The Government Cabinet Member in charge of health matters shall approve regulations and conditions using the narcotic and psychotropic substances for medical treatment purposes. If it is not provided otherwise in the law, then 16.1 of the Law on Drugs shall be followed in establishing the Regulations for dispensing and trade of narcotic and psychotropic drugs.

#### **Article 6. Entry of narcotic drugs, psychotropic substances and their raw materials through the Borders of Mongolia**

6.1. Any organization or business entity that has obtained a special license in accordance with the legislation may enter narcotic drugs, psychotropic substances and their raw materials through the borders of Mongolia.

6.2. Exporting and importing parties shall conclude a mutual contract before entry of narcotic drugs, psychotropic substances and their raw materials through the borders of Mongolia.

6.3. Narcotic drugs, psychotropic substances and their raw materials shall be entered through the borders of Mongolia based on a contract between exporting and importing parties and in a special license obtained from a competent State Central Administrative Body.

6.4. Narcotic drugs, psychotropic substances and their raw materials shall be entered through a border port specially determined by the Government Cabinet based on a special license provided in 6.3 of this law.

6.5. Each time narcotic drugs, psychotropic substances and their raw materials are entered through the borders of Mongolia, it shall be informed with in 7 days to the State Professional Inspection Agency.

6.6. The Custom's General Administration shall approve and enforce special regulations for control of entry the narcotic drugs, psychotropic substances and their raw materials through the borders of Mongolia.

**Article 7. Storage and destruction of narcotic drugs, psychotropic substances and their raw materials**

7.1. Narcotic drugs, psychotropic substances and their raw materials shall be stored in a building facility that fulfils relevant requirements, and its containers and packaging shall be done so that their intact conditions are maintained.

7.2. Narcotic drugs, psychotropic substances, their raw materials and equipment with a purpose of their preparation shall be destroyed in the following circumstances:

7.2.1. If in the process of inspection by a competent authority, their illegal use has been revealed and confiscated and if they do not fulfill a quality requirements for further use;

7.2.2. If they had been used for the purpose of medical treatment, research and studies, and if although they have been kept in storage for reserves but their period of validity has expired and its quality lost;

7.2.3. If their container and package does not have a label and address.

7.3. The Government Cabinet shall approve the regulations for storage and destruction of narcotic drugs, psychotropic substances, their raw materials and equipment for their preparation purposes.

**Article 8. Issuance of Special license for production manufacture and trade in narcotic drugs and psychotropic substances**

8.1. It is prohibited to manufacture, sell, use and utilize narcotic drugs and psychotropic substances in the territory of Mongolia for other purpose, then provided in 4.1 and 4.2 of this law.

8.2. State Central Administrative Body in charge of health matters shall issue a special license for preparing drugs by using plants with narcotic effects, and for manufacturing and trade in narcotic drugs, psychotropic substances and their precursors.

8.3. Organizations, that want to obtain special license, shall have a storage facility that fulfills requirements and special conditions for manufacturing and storage of narcotic drugs and psychotropic substances. The State Specialized Supervision (Inspectorate) Agency shall make a conclusion with regard to these storage facilities.

8.4. Special license for preparing, manufacturing and trading of narcotic drugs, psychotropic substances and their raw materials shall be issued for a period of one year.

8.5. Any relations connected with issuance of special license, its suspension or cancellation not provided under this law, shall be regulated by the Law on Special Licenses of Business Activities.

**Article 9. Usage and Utilization Report of narcotic drugs, psychotropic substances and their raw materials**

9.1.Organizations or business entities that have obtained a special license shall produce an annual report on preparation, manufacture, import, use, expenditure and demand of narcotic drugs, psychotropic substances and their raw materials, and shall submit it to the State Central Administrative Body in charge of health matters and to the authority provided in 14.5 of this law respectively.

### **CHAPTER THREE**

#### **PREVENTION FROM HAZARDS OF NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES**

##### **Article 10.Common obligation to prevent**

10.1.Organization provided under Article 14 of this law shall have a common obligation to protect and prevent public health and human genetic funds from hazards of narcotic drugs and psychotropic substances.

10.2.Organizations, business entities and individual persons, carrying out activities in the territory of Mongolia, shall provide all round support in prevention of hazards from narcotic drugs, psychotropic substances.

##### **Article 11.Advocacy on Prevention from hazards of narcotic drugs and psychotropic substances**

11.1.Central and Local State Administrative Bodies; as well as health, media, culture, science and educational institutions, and non-governmental organizations, in charge of public advocacy on prevention of hazards of narcotic drugs and psychotropic substances, shall have an obligation to undertake advocacy in regard to public awareness of hazards of narcotic drugs and psychotropic substances.

11.2.Curriculum of secondary and high classes in general educational schools shall specifically include on hazards of narcotic drugs, psychotropic substances, and prevention thereof.

11.3.In the Customs declaration form for entry though the borders of Mongolia shall be print written in Mongolian, Russian, Chinese and English regarding criminal liability to be imposed in a case of illegal entry of narcotic drugs and psychotropic substances through the state borders.

11.4.Labels of containers and packages, that contain narcotic drugs, psychotropic substances and their raw materials, shall have a warning notice on their hazards and danger.

11.5.It is obligation to disseminate advocacy materials regarding hazards of narcotic drugs and psychotropic substances prepared and edited by a competent authority through mass media irrespective of property forms.

##### **Article 12.Medical Treatment of persons with drug addiction**

12.1.If a person with drug addiction has voluntarily requested for medical treatment, then he or she should be treated according the general regulations.

12.2.Persons, whose drug addiction was proved by a medical conclusion of health institutions, but have been avoiding medical treatment, shall be forced to treatment activities.

##### **Article 13. Prohibited Items**

13.1.The following activities shall be prohibited with a purpose of prevention from hazards of narcotic drugs, psychotropic substances and their raw materials:

13.1.1.To send by the post a consignment narcotic drugs, psychotropic substances and their raw materials;

13.1.2.To prepare narcotic drugs, psychotropic substances and their raw materials; to methodologically teach how to use them; to disseminate to the public any motion pictures, video cassette, printed materials and pictures advertising their illicit trafficking and usage, to advertise them by using mass media and computer networks;

13.1.3.To dispense more numbers and quantity of narcotic and psychotropic drugs than provided in a medical prescription;

13.1.4.To sell narcotic and psychotropic drugs prohibited in a medical treatment;

13.1.5.To enter through the borders of Mongolia narcotic drugs, psychotropic substances and their raw materials by individual citizen;

13.1.6.To use narcotic drugs, psychotropic substances and their raw materials by way of other than medical use;

13.1.7.To substitute narcotic drugs, psychotropic substances and their raw materials, stipulated in the bilateral contract organizations and business entities with a special license, by similar but different substances; and to enter them through the borders of Mongolia in more numbers and quantity than licensed;

13.1.8.To manufacture, sell, store, and enter through the borders of Mongolia narcotic drugs, psychotropic substances and their raw materials without special license;

13.1.9.To sell and dispense narcotic drugs, psychotropic substances and their raw materials to juvenile persons;

13.1.10.To manufacture, sell and store narcotic drugs, psychotropic substances and their raw materials in locations that have general educational schools, kindergartens, and other children's institutions.

#### **Article 14. Exercise of control over illicit trafficking in narcotic drugs and psychotropic substances**

14.1.State Central Administrative Body in charge of health matters shall exercise control on whether the registration, allocation, manufacture, disbursement, storage, trade and usage of narcotic drugs and psychotropic substances are in conformity with regulations provided under the law; and shall undertake measures for eliminating detected offences.

14.2.State Central Administrative Body in charge of environmental matters shall exercise control over collection of raw materials of narcotic drugs and psychotropic substances.

14.3.Customs and Border Control agencies shall have an obligation to detect and stop illegal entry of narcotic drugs, psychotropic substances and their raw materials through the borders of Mongolia.

14.4.Police, intelligence, border control and other related agencies shall undertake measures for detecting and stopping illicit trafficking in narcotic drugs, psychotropic substances and their raw materials with the framework of their competences provided under the legislation; shall detect and prevent from these types of offences and crimes.

14.5.A permanent council shall operate with functions of coordinating prevention activities, to be implemented by agencies provided under 14.1 and 14.4 of this law, and exercising control over them. The Government Cabinet shall establish the composition of the Council and its operational rules.

**Article 15. Providing support in fighting with hazards of narcotic drugs and psychotropic substances**

15.1. Absolutely necessary funds shall be allocated from the state budget to state agencies competent to prevent from illicit trafficking in narcotic drugs, psychotropic substances and their raw materials; and to exercise control over them.

15.2. The State shall provide relevant support and subsidies in detection and stopping illicit trafficking in narcotic drugs, psychotropic substances and their raw materials; in prevention thereof; in training of animals for detection purposes; and in providing control and laboratory research technical equipment.

**CHAPTER FOUR****Miscellaneous****Article 16. Liability to be imposed on offenders of legislation**

16.1. If persons guilty of violating this law will not be imposed a criminal liability, then a judge or a state inspector specifically entitled by the legislation shall impose the following administrative penalties in consideration of circumstances of the offence:

16.1.1. If violated provisions of 13.1.7, 13.1.8 and 13.1.10 of this law, then to impose a fine of 45 000-50 000 on citizens, of 50 000-60 000 on officials and 200 000-250 000 tugrugs on organizations and to confiscate illegal profits earned;

16.1.2. If violated provisions of 13.1.1; 13.1.2; 13.1.4 and 13.1.5 of this law, then to impose a fine of 40 000-50 000 on citizens and 45 000-60 000 on officials and 150 000-250 000 tugrugs on organizations;

16.1.3. To impose a fine of 30 000-50 000 tugrugs on persons who violated provisions 13.1.3; 13.1.6 and 13.1.9 of this law.

16.2. If a person or entity violated the regulations of issuance of Special License, then a liability shall be imposed in accordance with Law on Special License for Business Activities.

16.3. If a foreign citizen has violated 16.1 of this law, then he or she shall be imposed a liability in accordance with Articles 30 of the Law on Legal Status of Foreign Citizens.

**Article 17. Liquidation of a legal person (corporate body)**

17.1. A legal person (corporate body) shall be liquidated by the decision of court in accordance with the legislation of Mongolia if it has earned profits from illicit trafficking in narcotic drugs, psychotropic substances and their raw materials, and has put them into financial and business transactions knowing that such profits have been obtained by illegal way.

**Article 18. Confiscation to the benefit of the State**

18.1. If narcotic drugs, psychotropic substances and their raw materials, entering through the borders of Mongolia, are exceeding in types, numbers and quantities provided in the special license issued by a competent state authority and in the contract concluded between exporting and importing parties, then they shall be confiscated to the benefit of the State in accordance with the procedure stipulated in the legislation.

18.2. Profits earned from the illicit trafficking in narcotic drugs, psychotropic substances and their raw materials, shall be confiscated to the benefit of the State in accordance with the procedure stipulated in the legislation.

18.3. In a condition when professional and other relevant agencies have issued a conclusion on possibility for further use of confiscated and detected narcotic drugs, psychotropic substances, raw materials and equipment designed for their preparation, processing and manufacturing, then they shall be confiscated to the benefits of the State and may be used upon the request of an agency stipulated in 8.2 of this law.

SPEAKER OF THE STATE GREAT HURAL  
(PARLIAMENT) OF MONGOLIA  
S. TUMUR-OCHIR