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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 texts*

JAPAN

Communicated by the Government of Japan

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: The present document is a direct reproduction of the texts communicated to the Secretariat

V.06-56861 (E)



**LAW CONCERNING SPECIAL PROVISIONS FOR THE NARCOTICS AND
PSYCHOTROPICS CONTROL LAW, ETC. AND OTHER MATTERS
FOR THE PREVENTION OF ACTIVITIES ENCOURAGING ILLICIT
CONDUCTS AND OTHER ACTIVITIES INVOLVING CONTROLLED
SUBSTANCES THROUGH INTERNATIONAL COOPERATION
(Law No. 94 of October 5, 1991)¹**

Amendments:

1. Law No. 95 of June 21, 1996
2. Law No. 110 of June 26, 1996
3. Law No. 102 of June 20, 1997
4. Law No. 106 of June 15, 1998
5. Law No. 131 of October 16, 1998
6. Law No. 136 of August 18, 1999

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¹ Note by the Secretariat: A prior version of this law was published under E/NL.1994/38.

CHAPTER I GENERAL PROVISIONS

(Purpose)

Article 1. This law shall, in addition to the provisions of the Narcotics and Psychotropics Control Law (Law No. 14 of 1953)², the Cannabis Control Law (Law No. 124 of 1948)³, the Opium Law (Law No. 71 of 1954)⁴, and the Stimulants Control Law (Law No. 252 of 1951)⁵, set forth special provisions for these Laws and other relevant laws and other necessary matters, in the light of the importance of eliminating, through international cooperation, major factors contributing to the commission of illicit conducts involving controlled substances, by confiscating drug offence proceeds derived from drug offences, and with a view to preventing activities encouraging illicit conducts and other activities involving controlled substances, and to ensure the due implementation of the international covenants in this respect.

(Definitions)

Article 2. In this Law, a "controlled substance" means any narcotic or psychotropic designated in the Narcotics and Psychotropics Control Law, any cannabis designated in the Cannabis Control Law, any opium or poppy straw designated in the Opium Law and any stimulant designated in the Stimulants Control Law.

2. In this Law, a "drug offence" means any offence enumerated in the following:

- (1) an offence specified in Article 5, Article 8 or Article 9.
- (2) an offence specified in Article 64, Article 64-2, Article 65, Article 66, Article 66-3, Article 66-4, Article 68-2 or Article 69-5 of the Narcotics and Psychotropic Control Law.
- (3) an offence specified in Article 24, Article 24-2 or Article 24-7 of the Cannabis Control Law;
- (4) an offence specified in Article 51, Article 52 or Article 54-3 of the Opium Law.
- (5) an offence specified in Article 41, Article 41-2 or Article 41-11 of the Stimulants Control Law.
- (6) an offence specified in Article 67 or Article 69-2 of the Narcotics and Psychotropics Control Law, in Article 24-4 of the Cannabis Control Law, in Article 53 of the Opium Law or in Article 41-6 of the Stimulants Control Law.
- (7) an offence specified in Article 68 or Article 69-4 of the Narcotics and Psychotropics Control Law, in Article 24-6 of the Cannabis Control Law, in Article 54-2 of the Opium Law or in Article 41-9 of the Stimulants Control Law.

3. In this Law, "drug offence proceeds" mean any property obtained through the action of a drug offence or obtained in reward for such criminal conduct, or any money involved in an offence referred to in Item (7) of the preceding paragraph.

4. In this Law, "property derived from drug offence proceeds" means any property obtained as the fruit of or in exchange for drug offence proceeds or any property obtained in exchange for

² Note by the Secretariat: E/NL.1994/34

³ Note by the Secretariat: E/NL.1994/35

⁴ Note by the Secretariat: E/NL.1994/36

⁵ Note by the Secretariat: E/NL.1994/37

such property so obtained, or any other property obtained through the possession or disposition of drug offence proceeds.

5. In this Law, "drug offence proceeds or the like" mean drug offence proceeds, property derived from drug offences proceeds or any other property in which any drug offence proceeds or property derived from drug offence proceeds is mingled with other property.

CHAPTER II

SPECIAL PROVISIONS FOR LANDING PROCEDURES AND OTHER MATTERS

(Special Provisions for Landing Procedures)

Article 3. When a foreigner suspected to be a person designated in Paragraph 1 (6) of Article 5 of the Immigration Control and Refugee Recognition Law (Cabinet Ordinance No.319 of 1951; hereinafter referred to as the "Immigration Control Law") makes an application provided for in Paragraph 2 of Article 6 of the Immigration Control Law, the immigration inspector may, notwithstanding the provision of Paragraph 1 of Article 9 of the Immigration Control Law, issue a stamp of landing permission provided for in Paragraph 1 of Article 9 of the Immigration Control Law on such foreigner's passport upon the examination specified in Paragraph 1 of Article 7 of the Immigration Control Law of matters other than those specified in Paragraph 1 (6) of Article 5 of the Immigration Control Law, if the immigration inspector has been informed by the Minister of Justice that there has been notice from a public prosecutor or a request from a judicial police official (limited to narcotics control officers, prefectural narcotics control officials, police officers or maritime safety officers; the same shall apply in the succeeding paragraph and Paragraph 1 of the succeeding article) that it is necessary to have such foreigner land for the investigation of a drug offence and that it is deemed that a sufficient surveillance system has been established to prevent the loss of any controlled substance involved and the escape of such a person.

2. When an application provided for in Paragraph 1 of Article 14, Paragraph 1 or Paragraph 2 of Article 15 or Paragraph 1 of Article 16 of the Immigration Control Law is made in respect to a foreigner suspected to fall under Paragraph 1 (6) of Article 5 of the Immigration Control Law, the immigration inspector may permit the landing of such a foreigner upon the examination of matters other than those specified in Paragraph 1 (6) of Article 5 of the Immigration Control Law, if the immigration inspector has been informed by the Minister of Justice that there has been notice from a public prosecutor or a request from a judicial police official that it is necessary to have such foreigner land for the investigation of a drug offence and that it is deemed that a sufficient surveillance system has been established to prevent the loss of any controlled substance involved and the escape of such a person.

3. If an immigration inspector is informed by the Minister of Justice that the Minister considers it inappropriate to have a foreigner, to whom a stamp of landing permission has been issued pursuant to the provision of Paragraph 1 of this article or landing permission has been given pursuant to the provision of the preceding paragraph, continue to stay in the territory of Japan, the immigration inspector shall promptly examine whether such foreigner fell under the provision of Paragraph 1 (6) of Article 5 of the Immigration Control Law at the time of said foreigner's landing in the territory of Japan.

4. If the immigration inspector finds as a result of the examination pursuant to the provision of the preceding paragraph that a foreigner designated in the preceding paragraph fell under Paragraph 1 (6) of Article 5 of the Immigration Control Law, the immigration inspector shall

revoke the stamp of landing permission under the provision of Paragraph 1 of this article or the landing permission under the provision of Paragraph 2 of this article.

(Special Provisions for Customs Procedures)

Article 4. When it is found through the inspection of a cargo pursuant to the provisions of Article 67 (including *mutatis mutandis* application of such provisions in Article 75; the same shall apply throughout this paragraph) of the Customs Law (Law No. 61 of 1954), that any controlled substance is concealed in such cargo, a director-general of customs may take the following measures to meet the request of the public prosecutor or the judicial police official that it is necessary for such controlled substances to be shipped abroad or to be delivered into the territory of Japan for the investigation of a drug offence, and if the director-general of customs considers that a sufficient surveillance system has been established to prevent the loss of such controlled substances; provided that this shall not apply if it is deemed inappropriate in the light of the purposes of the laws relating to customs to take such measures:

- (1) to issue permission as applied, in accordance with the provisions of Article 67 of the Customs Law in respect to such cargo (except for the controlled substance concealed in such cargo) and;
- (2) other necessary measures to meet the request.

2. The provision of the preceding paragraph (except for Item (1)) shall apply *mutatis mutandis* when it is found through the inspection of an object other than a letter contained in the mail pursuant to the proviso of Paragraph 1 of Article 76 of the Customs Law that any controlled substance is concealed in such object other than a letter. In this case, the provision of Article 74 of the same Law shall not apply to such a controlled substance.

CHAPTER III
PENAL PROVISIONS

(Professionally Conducted Illicit Importing, etc.)

Article 5. Any person who professionally engages in one or more of the activities enumerated below (including any person who professionally engages in any activity constituting an offence specified in Article 8 as well as such conduct) shall be imprisoned with hard labor for an indefinite term or not less than five years and fined not more than ten million yen:

- (1) to commit an act constituting an offence specified in Article 64, Article 64-2 (except for possession), Article 65, Article 66 (except for possession), Article 66-3 or Article 66-4 (except for possession) of the Narcotics and Psychotropics Control Law;
- (2) to commit an act constituting an offence specified in Article 24 or Article 24-2 (except for possession) of the Cannabis Control Law;
- (3) to commit an act constituting an offence specified in Article 51 or Article 52 (except for possession) of the Opium Law;
- (4) to commit an act constituting an offence specified in Article 41 or Article 41-2 (except for possession) of the Stimulants Control Law.

(Concealment of Drug Offence Proceeds or the Like)

Article 6. Any person who disguises facts concerning the acquisition or disposition of drug offence proceeds or the like or conceals drug offence proceeds or the like shall be imprisoned with hard labor not exceeding five years or fined not more than three million yen, or both. The same shall apply to any person who disguises facts concerning the source of drug offence proceeds or the like.

2. Attempt of an offence specified in the preceding paragraph shall be punishable.
3. Any person who with intent to commit an offence specified in Paragraph 1 of this article prepares to commit such an offence shall be imprisoned with hard labor not exceeding two years or fined not more than five hundred thousand yen.

(Receipt of Drug Offence Proceeds or the Like)

Article 7. Any person who knowingly receives drug offence proceeds or the like shall be imprisoned with hard labor not exceeding three years or fined not more than one million yen or both; provided that this shall not apply to a person who receives property offered for the performance of an obligation under a law or regulation or offered for the performance of an obligation under a contract (limited to that under which the obligee is to offer substantial property interest) at the time of the conclusion of which the said person did not know that the obligation under such contract would be performed with drug offence proceeds or the like.

(Import, etc. of Articles as Controlled Substances)

Article 8. Any person who with intent to commit any drug offence (limited to those involving import or export of any controlled substance.) imports or exports any drug or other article that the said person has received or acquired as a controlled substance, shall be imprisoned with hard labor not exceeding three years or fined not more than five hundred thousand yen.

2. Any person who with intent to commit any drug offence (limited to those involving transfer, receipt or possession of any controlled substance) transfers to or receives from another person any drug or other article as a controlled substance or possesses any drug or other article that the said person has received or acquired as a controlled substance, shall be imprisoned with hard labor not exceeding two years or fined not more than three hundred thousand yen.

(Incitement or Solicitation)

Article 9. Any person who publicly incites or solicits others to commit any drug offence (except for offences specified in the preceding article and this article) or any offence specified in Article 6 or Article 7 or to abuse any controlled substance shall be imprisoned with hard labor not exceeding three years or fined not more than live hundred thousand yen.

(Extraterritorial Offence)

Article 10. Any offence specified in Article 5 through Article 7 and in the preceding article shall be subject to the provision of Article 2 of the Penal Code (Law No. 45 of 1907).

(Confiscation of Drug Offence Proceeds or the Like)

Article 11. Any property enumerated below shall be confiscated; provided that if any offence specified in Paragraph 1 or Paragraph 2 of Article 6 or in Article 7 involves any property in which drug offence proceeds or property derived from drug offence proceeds is mingled with any other property and if the confiscation of the whole of any property enumerated in the following Items (3) through (5) for such offence is deemed inappropriate, then a portion of such property may be confiscated.

- (1) any drug offence proceeds (except for those involved in an offence referred to in Paragraph 2 (6) or (7) of Article 2);
- (2) any property derived from drug offence proceeds (except for that obtained through the possession or disposition of drug offence proceeds involved in an offence referred to in paragraph 2 (6) or (7) of Article 2);
- (3) any drug offence proceeds or the like involved in an offence specified in Paragraph 1 or Paragraph 2 of Article 6 or in Article 7;
- (4) any property yielded or obtained through or obtained in reward for the commission of an offence specified in Paragraph 1 or Paragraph 2 of Article 6 or in Article 7;
- (5) any property obtained as the fruit of or in exchange for any property specified in the preceding two items, any property obtained in exchange for any such property so obtained, and any other property obtained through the possession or disposition of any property specified in the preceding two items.

2. Notwithstanding the provision of the preceding paragraph, the confiscation of any property specified in the preceding paragraph may be avoided if it is deemed to be inappropriate in light of the nature of the property in question, the conditions of its use, the existence of rights to such property of any person other than any of the parties to the offence and other circumstances.

3. Any property enumerated in the following may be confiscated:

- (1) any drug offence proceeds (only those involved in an offence referred to in Paragraph 2 (6) or (7) of Article 2);
- (2) any property derived from drug offence proceeds (only that obtained through the possession or disposition of drug offence proceeds involved in an offence referred to in Paragraph 2 (6) or (7) of Article 2);
- (3) any drug offence proceeds or the like involved in an offence specified in Paragraph 3 of Article 6;
- (4) any property yielded or obtained through or obtained in reward for the commission of an offence specified in Paragraph 3 of Article 6;
- (5) any property obtained as the fruit of or in exchange for any property specified in the preceding two items, any property obtained in exchange for any such property so obtained, and any other property obtained through the possession or disposition of any property specified in the preceding two items.

(Confiscation, etc. of Property in which Drug Offence Proceeds or the Like Are Mingled)

Article 12. The provisions of Article 14 and Article 15 of the Law concerning the Punishment of Organized Crimes and Control of Criminal Proceeds, etc. (Law No. 136 of 1999; hereinafter referred to as the "Organized Crime Punishment Law") shall apply mutatis mutandis to any confiscation under the provision of the preceding article. In this case, the term "items of

Paragraph 1 of the preceding article" in Article 14 of the Organized Crime Punishment Law shall be read as "items of Paragraph 1 of Article 1 of the Law concerning Special Provisions for the Narcotics and Psychotropics Control Law, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conducts and Other Activities Involving Controlled Substances Through International Cooperation."

(Forfeiture)

Article 13. When any property to be confiscated under the provision of Paragraph 1 of Article 1 is not confiscable or is not confiscated in accordance with the provision of Paragraph 2 of the same article, any of the offenders in question shall be subject to *forfeiture* of an amount of money equivalent to the value of such property.

2. When any property specified in Paragraph 3 of Article 11 is not confiscable or the confiscation of" such property is deemed to be inappropriate in light of the nature of the property in question, the conditions of its use, the existence of rights to such property of any person other than any of the parties to the offence or other circumstances, any of the offenders in question may be subject to forfeiture of an amount of money equivalent to the value of such property.

(Presumption of Drug Offence Proceeds)

Article 14. With respect to drug offence proceeds involved in the offences designated in Article 5, any property obtained by any offender of any such offence during a period in which the offender in question was professionally engaged in any of the activities enumerated in the items of Article 5 shall be presumed to be drug offence proceeds if the value of the property in question is deemed to be disproportionately large in light of the circumstances of such offender's work or such offender's receipt of any benefit under any law or regulation during such period.

(Penalties against Employers, etc.)

Article 15. When any representative of a corporation, or any agent, servant or other employee of a corporation or a natural person commits any offence designated in Article 5 through Article 9 in connection with the business of such corporation or natural person, the fine specified in the relevant article shall be imposed on the corporation or natural person in addition to the punishment of the perpetrator.

CHAPTER IV
SPECIAL PROVISIONS FOR CONFISCATION PROCEDURES
AND OTHER MATTERS

(Confiscation Procedures for a Third Party's Property, etc.)

Article 16. When any credit, etc. (meaning any property other than movables and movables. The same shall apply in Article 18.) which falls under property enumerated in the items of Paragraph 1 or of Paragraph 3 of Article 11 belongs to any person other than the defendant (hereinafter in this article referred to as the "third party"), the court may not order the confiscation unless such third party is permitted to intervene in the proceeding of the defendant's case.

2. When any property that is the subject of any superficies, hypothec or other right of any third party is to be confiscated pursuant to the provisions of this Law, the Narcotics and Psychotropics Control Law or any other law or regulation for any drug offence or any offence designated in Article 6 or Article 7 (hereinafter referred to as "drug offence, etc."), the same as provided for in the preceding paragraph shall apply unless such third party is permitted to intervene in the proceeding of the defendant's case.

3. When any property that is the subject of any superficies, hypothec or other right of any third party is to be confiscated, the provisions of Paragraph 3 through Paragraph 5 of Article 18 of the Organized Crime Punishment Law shall apply *mutatis mutandis* if such right is to be maintained pursuant to the provisions of Paragraph 2 of Article 15 of the Organized Crime Punishment Law which is applied *mutatis mutandis* by Article 12.

4. Except as otherwise provided for in this Law, the provisions of the Law on Temporary Measures concerning Confiscation Procedures for Confiscation in Criminal Proceedings of Things Owned by Third Persons (Law No. 138 of 1963) shall apply *mutatis mutandis* to the procedures for confiscation of property specified in Paragraph 1 and Paragraph 2 of this article.

(Disposition, etc. of Confiscated Credits, etc.)

Article 17. The provision of Article 19 of the Organized Crime Punishment Law shall apply *mutatis mutandis* to any confiscation under Article 11 and the provision of Article 20 shall be applied likewise to any case where a request is made to a relevant authority for a registration of transfer of any right pursuant to a judicial decision of confiscation of any property whose transfer requires registration. In this case, the term "Part 1 of the succeeding article" shall be read as "Chapter V of the Law concerning Special Provisions for the Narcotics and Psychotropics Control Law, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conducts and Other Activities Involving Controlled Substances Through International Cooperation."

(Special Provision for Criminal Compensation)

Article 18. The provision of Paragraph 6 of Article 4 of the Criminal Compensation Law (Law No. 1 of 1950) shall apply *mutatis mutandis* to the contents of the compensation made under the said Law for the execution of the confiscation of credits, etc.

CHAPTER V
SECURING PROCEDURES

(Securing Order for Confiscation)

Article 19. A court may, either at the request of a public prosecutor or ex officio, prohibit the disposition of any property involved in a criminal proceeding for any drug offence, etc. pending before it by issuing a securing order for confiscation if the court finds that there is probable cause to deem such property confiscable under the provisions of this Law, the Narcotics and Psychotropics Control Law, or any other law or regulation (hereinafter referred to as "property subject to confiscation"), and that such a measure is necessary for the confiscation of the said property.

2. When a court issues or is going to issue a securing order for the confiscation of any property that is the subject of any superficies, hypothec or other right, the court may, at the

request of a public prosecutor or *ex officio* prohibit the disposition of such right by issuing a collateral securing order, separately, when the court finds that there is probable cause to deem that such right will be extinguished as a result of confiscation and that such a measure is necessary for the confiscation of the said property or finds that there is probable cause to deem that such right is false.

3. A judge may, at the request of a public prosecutor or a judicial police officer (limited to narcotics control officers, prefectural narcotics control officials, police officers or maritime safety officers, among which police officers shall be limited to inspectors or superior officers designated by the National Public Safety Commission, or a prefectural public safety commission), take any measure specified in the preceding two paragraphs even before the institution of prosecution if the judge finds that there is cause and necessity provided for in the preceding two paragraphs.

4. Except as otherwise provided for in the preceding three paragraphs, the provisions concerning the prohibition of disposition by a securing order for confiscation and that by a collateral securing order of Chapter IV of the Organized Crime Punishment Law shall apply *mutates mutandis* to any measures to be taken under the preceding three paragraphs.

(Securing Order for Forfeiture)

Article 20. A court may, at the request of a public prosecutor or *ex officio*, prohibit any defendant from disposing of any of the defendant's property by issuing a securing order for forfeiture, if the court finds that there is probable cause to deem that there is any property involved in a criminal proceeding for any drug offence, etc. pending before it which is to be subject to forfeiture pursuant to the provisions of Article 13, and that there is a possibility that the enforcement of a judicial decision of forfeiture may become impossible or be seriously hampered.

2. A judge may, at the request of a public prosecutor, take the measures specified in the preceding paragraph even before the institution of prosecution if the judge finds that there is cause and necessity as indicated in the said paragraph.

3. Except as provided for in the preceding two paragraphs, the provisions concerning the prohibition of disposition by a securing order for forfeiture in Chapter IV of the Organized Crime Punishment Law shall apply *mutates mutandis* to any measures to be taken under the preceding two paragraphs.

CHAPTER VI

PROCEDURES FOR INTERNATIONAL MUTUAL ASSISTANCE IN THE ENFORCEMENT OF A JUDICIAL DECISION OF CONFISCATION AND FORFEITURE AND IN THE SECURING THEREOF

(Implementation of Mutual Assistance)

Article 21. When there is a request, with respect to a criminal case in a foreign country involving any conduct constituting a drug offence, etc., from such foreign country pursuant to any treaty for assistance in the enforcement of a final decision of confiscation or forfeiture or in the securing of any property for the purpose of confiscation or forfeiture, such assistance shall be provided except in any of the following cases:

- (1) When it is found that under the laws and regulations of Japan no penalty may be imposed on the offence for which assistance is requested (meaning an offence which is alleged to have been committed according to the request for assistance. The same shall apply hereinafter);

- (2) When any criminal case involving the offence for which assistance is requested is pending before a Japanese court or there has been a final decision by a Japanese court for such case;
- (3) As for assistance in the enforcement of a final decision of confiscation or in the securing for the purpose of confiscation, when under the laws and regulations of Japan the property concerned is not the kind of property for which any judicial decision of confiscation or securing for confiscation may be made with respect to the offence for which assistance is required;
- (4) As for assistance in the enforcement of a final decision of forfeiture or in the securing for the purpose of forfeiture, when under the laws and regulations of Japan any judicial decision of forfeiture or securing for forfeiture related to the request in question may not be made with respect to the offence for which assistance is required;
- (5) When it is found that as for assistance in the enforcement of a final decision of confiscation, any person for whom there is probable cause to be deemed to own the property concerned or have any superficies, hypothec or other right to the said property, or as for assistance in the enforcement of a final decision of forfeiture, any addressee of such decision, was not able to claim his/her right in the proceeding preceding the decision in question for any reason which is not attributable to himself/herself;
- (6) As for assistance in the securing for confiscation or forfeiture, when it is found that there is no cause provided for in Paragraph 1 of Article 19 or Paragraph 1 of Article 20, except when the request in question is based on a judicial decision of securing for confiscation or forfeiture made by a judge or a court of the requesting country, or when the request in question is made after the decision of confiscation or forfeiture in question has become final.

(Confiscation Deemed to Be Forfeiture)

Article 22. When there is a request for assistance in the enforcement of a final decision that in lieu of any property enumerated in the items of Paragraph 1 or of Paragraph 3 of Article 1 any property whose value is equivalent to that of the first-mentioned property and which is owned by the addressee of such decision is to be confiscated, such final decision shall be deemed to mean that the said addressee is to forfeit the value of the first-mentioned property for the purpose of the implementation of assistance under this Law.

2. The provision of the preceding paragraph shall apply *mutatis mutandis* to a request for assistance in the securing for the purpose of confiscation of any property, in lieu of any property enumerated in the items of Paragraph 1 or of Paragraph 3 of Article 11, whose value is equivalent to that of the said property.

(Provisions concerning Mutual Assistance of the Organized Crime Punishment Law to be Applied *Mutatis Mutandis*)

Article 23. Except as otherwise provided for in the preceding two articles, the provisions concerning mutual assistance in Chapter VI of the Organized Crime Punishment Law shall apply *mutatis mutandis* to the mutual assistance under Article 21.

CHAPTER VII

MISCELLANEOUS PROVISIONS

(Delegation to Cabinet Ordinance, etc.)

Article 24. Except as otherwise provided for in this Law, the Cabinet Ordinance shall provide for matters concerning disposition for arrears of taxes necessary to adjust the procedures for securing for confiscation and such disposition.

2. Except as otherwise provided for in this Law, the Supreme Court Rule shall provide for necessary matters (except for matters provided for in the preceding paragraph) concerning the procedures for a third party's intervention and judicial proceedings under the provision of Article 20, the procedures for securing for confiscation and that for forfeiture specified in Chapter V, and the procedures for international mutual assistance specified in the preceding chapter.

(Transitional Measures)

Article 25. When a Cabinet Ordinance is enacted, amended, or repealed, in accordance with any provision of this Law, necessary transitional measures may be specified in the Cabinet Ordinance in so far as such measures are deemed to be reasonably necessary in connection with such enactment, amendment, or repeal.

CANNABIS CONTROL LAW
(Law No. 124 of July 10, 1948)¹

Amendments:

1. Law No. 18 of March 27, 1950
2. Law No. 152 of May 28, 1952
3. Law No. 15 of March 17, 1953
4. Law No. 71 of April 22, 1954
5. Law No. 108 of June 21, 1963
6. Law No. 111 of June 1, 1970
7. Law No. 38 of May 1, 1978
8. Law No. 58 of May 30, 1981
9. Law No. 47 of May 25, 1984
10. Law No. 33 of June 19, 1990
11. Law No. 93 of October 5, 1991
12. Law No. 87 of July 16, 1999
13. Law No. 151 of December 8, 1999
14. Law No. 160 of December 22, 1999

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¹ Note by the Secretariat: A prior version of this law was published under E/NL.1994/35.

CHAPTER I GENERAL PROVISIONS

Article 1. The term "cannabis" in this Law means the cannabis plant (*Cannabis Sativa*, L.) and the substances manufactured from cannabis plant, excluding the mature stalk of the cannabis plant, any other substances produced therefrom (except resin), and the seed of the cannabis plant and other substances produced therefrom.

Article 2. The term "cannabis handler" in this Law means cannabis cultivator and cannabis researcher.

2. The term "cannabis cultivator" in this Law means a person who cultivates cannabis plants for the purpose of collecting fiber or seeds under the license granted by the Governor of the Prefecture.

3. The term "cannabis researcher" in this Law means a person who cultivates cannabis plants or use cannabis for scientific research under the license granted by the Governor of the Prefecture.

Article 3. No person other than a cannabis handler shall possess, cultivate, receive, or transfer cannabis, or use cannabis for scientific research.

2. No person who may possess cannabis under the provision of this Law shall use it for any purpose other than that for which he is permitted to possess.

Article 4. No one shall do the following acts:

- (1) To import or export cannabis (This provision shall not apply to the case where a cannabis researcher imports or exports cannabis under the permission of the Minister of Health, Labour and Welfare);
- (2) To administer or supply for administering the medicine manufactured from cannabis;
- (3) To undergo the administering of the medicine manufactured from cannabis;
- (4) To make advertisements on cannabis, unless they are in a newspaper or in a magazine carrying articles concerning to medical, pharmaceutical or scientific affairs for persons concerned with medical or pharmaceutical affairs (signifying medical and pharmaceutical professionals and researchers of natural science, and hereinafter referred to as such in this item) or in other publications which are primarily intended for persons concerned with medical or pharmaceutical affairs.

2. A cannabis researcher who wishes to apply for permission to import or export cannabis under the provision of Item 1 of the preceding paragraph shall submit a written application to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein the said researcher's place of business is located, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

CHAPTER II

LICENSE

Article 5. Any person who intends to be a cannabis handler shall be licensed by the Governor of the Prefecture in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

2. A license shall not be granted to a person who comes under any of the following items:

- (1) A narcotic addict, cannabis addict or opium addict;
- (2) A person who has been sentenced to a penalty heavier than imprisonment;
- (3) An adult ward, a person who is under the supervision of a curator, or any minor.

Article 6. The Governor of the Prefecture shall keep a registration book of cannabis handler, in which matters concerning the license of cannabis handler shall be registered.

2. The matters to be registered under the provision of the preceding paragraph shall be provided by the Ministry of Health, Labour and Welfare Ordinance.

Article 7. When the Governor of the Prefecture grants the license to a cannabis handler, he shall register the said person in the registration book of cannabis handler and then issue a license card.

2. The license card in the preceding paragraph shall not be transferred or lent to any other person.

Article 8. The term of validity of the license for cannabis handler shall be from the date of issue to December 31 of the same year.

Article 9. Deleted (Law No. 88 of 1999)

Article 10. In case where a cannabis handler wishes to apply for cancellation of the license, he shall apply for it to the Governor of the Prefecture in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

2. In case where a cannabis handler has been deceased or has been dissolved, a successor (administrator of the estate in case it is not known whether the successor exists. This shall apply hereinafter) or a liquidator shall give notice of it to the Government of the Prefecture in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

3. When the Governor of the Prefecture has received the application in Paragraph 1 or the notification in the preceding paragraph, he shall delete the registration of the said person from the registration book of cannabis handler.

4. When the license of cannabis handler has been cancelled in accordance with the provisions of Article 18 or the license has become null and void, the license card shall be returned to the Governor of the Prefecture.

5. When any alteration has occurred in the matters mentioned in the registration book of cannabis handler, the cannabis handler shall give notice of it to the Governor of the Prefecture within 15 days after the occurrence of such alteration.

6. In case where the license card has been damaged or lost, a cannabis handler shall make an application for reissue of the license card with the reason therefore within 15 days, and besides, accompanied with the license card concerned in case of damage, to the Governor of the Prefecture.

7. In case where the lost license card has been found after the renewed license card was issued, the cannabis handler shall return the found license card within 15 days to the Governor of the Prefecture.

Article 11. Deleted. (Law No. 87 of 1999)

CHAPTER III

CANNABIS HANDLER

Article 12. Deleted. (Law No. 15 of 1953)

Article 13. No cannabis cultivator shall transfer cannabis to any person other than a cannabis handler.

Article 14. A cannabis cultivator shall not take out cannabis outside of the cultivation area. Provided, however, that this provision shall not apply to the case where the taking out is made under the permission of the Governor of the Prefecture.

Article 15. A cannabis cultivator shall report the following matters to the Governor of the Prefecture not later than January 30 every year.

- (1) The size of area where cannabis plants were cultivated during the preceding year;
- (2) The quantity of cannabis fiber collected during the preceding year.

Article 16. No cannabis researcher shall transfer cannabis to any other person. Provided, however, that this provision shall not apply to the case where transfer to other cannabis researcher has been made under the permission of the Minister of Health, Labour and Welfare.

2. A cannabis researcher who wishes to apply for permission to transfer cannabis under the proviso of the preceding paragraph shall submit a written application to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein the said researcher's place of business is located, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

Article 16-2. A cannabis researcher shall keep a book at his place of business and record the following matters therein:

- (1) The name and quantity of cannabis collected, received, and destroyed, and the date thereof;
- (2) The name and quantity of cannabis used for, or produced as a result of scientific research, and the date thereof.

Article 17. A cannabis researcher shall report the following matters to the Governor of the Prefecture not later than January 30 every year:

- (1) The name and quantity of cannabis possessed at the beginning of the preceding year;
- (2) The size of area where cannabis plants were cultivated during the preceding year;
- (3) The name and quantity of cannabis collected, received during the preceding year;
- (4) The name and quantity of cannabis used for or produced as a result of scientific research during the preceding year;
- (5) The name and quantity of cannabis possessed at the end of the preceding year.

CHAPTER IV SUPERVISION

Article 18. The Governor of the Prefecture may, in case where a cannabis handler has committed a crime or malpractices in respect to his business, cancel the license of the cannabis handler.

Article 19. Deleted. (Law No. 15 of 1953)

Article 20. The Minister of Health, Labour and Welfare may make a necessary disposition in respect to the cannabis which has been reverted to the national treasury in accordance with the provisions of laws and ordinances.

Article 21. The Minister of Health, Labour and Welfare or Governor of the Prefecture may, in case where he deems there are necessities in exercising control over cannabis, collect necessary report from a cannabis handler or any other person concerned and may have the narcotics control officer, prefectural narcotics control official or other competent official enter cultivation field, storing-place, laboratory or any other places concerned with cannabis and examine the situation of business, books and documents and other things, or have such officials remove minimum amount of cannabis necessary for the identification at no cost.

2. When the narcotics control officer, prefectural narcotics control official or other competent official enters the places to examine or removes cannabis in accordance with the provisions of the preceding paragraph, he shall carry his identity card showing his status and present it on demand of the person concerned.

3. The power provided in Paragraph 1 shall not be interpreted as having been authorized for criminal investigation.

CHAPTER V

MISCELLANEOUS PROVISIONS

Article 22. The Government of the Prefecture shall bear the expenses necessary for licensing and control of cannabis exercised by the Governor of the Prefecture in accordance with this Law.

Article 22-2. Conditions may be attached to the license or permission provided in this Law, and they may be altered.

2. The conditions of the preceding paragraph shall be limited to the minimum necessity for the purpose of preventing health and hygiene from harm caused by the abuse of cannabis and unfair duties shall not be imposed on those who obtain the license or permission.

Article 22-3. Notwithstanding the provisions of the Law, the Minister of Health, Labour and Welfare may import or receive cannabis to be used for criminal identification of cannabis.

2. The Minister of Health, Labour and Welfare shall supply the cannabis imported or received in accordance with the provision of the preceding paragraph to the national or prefectural organizations engaged in criminal identification of cannabis.

3. Officials of the organization in the preceding paragraph may, in respect to the cannabis supplied from the Minister of Health, Labour and Welfare in accordance with the provision of the same paragraph, use or possess for the purpose of criminal identification of cannabis.

4. The chief of the organization which has been supplied with the cannabis from the Minister of Health, Labour and Welfare in accordance with the provision of Paragraph 2 shall keep a book and enter therein the name and quantity of cannabis used for criminal identification of cannabis, the date of use, and other matters provided in the Ministry of Health, Labour and Welfare Ordinance.

5. The Minister of Health, Labour and Welfare may, in case where he has received a request from the government of a foreign country to the effect that it intends to import cannabis to be used for criminal identification of cannabis, notwithstanding the provisions of this Law, export to the government of the country concerned the cannabis imported or received in accordance with the provision of Paragraph 1, or the cannabis reverted to the national treasury in accordance with the provisions of laws and ordinances.

Article 22-4. The affairs to be administered by a prefecture under Paragraph 2 of Article 4, Article 14, Paragraph 2 of Article 16 and Paragraph 1 of Article 21 shall fall under the Class A Statutory Delegated Affairs specified in Item 1 of Paragraph 9 of Article 2 of the Local Autonomy Law (Law No. 67 of 1947).

Article 22-5. The authority of the Minister of Health, Labour and Welfare prescribed in this Law may be delegated to the Director General of a Regional Bureau of Health and Welfare, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

2. The authority delegated to the Director General of a Regional Bureau of Health and Welfare under the preceding paragraph may be delegated to the Director General of a branch of the Regional Bureau of Health and Welfare or to the Director General of a branch of a regional narcotics control office, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

Article 23. Except where stipulated by this Law, the matters necessary for enforcement of this Law shall be provided by the Ministry of Health, Labour and Welfare Ordinance.

CHAPTER VI

PENAL PROVISIONS

Article 24. Any person who unlawfully cultivates, imports to Japan or any other country, or exports from Japan or any other country cannabis shall be liable to penal servitude not exceeding 7 years.

2. Any person who commits an offence prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude not exceeding 10 years or to both penal servitude not exceeding 10 years and a fine not exceeding 3,000,000 yen according to the circumstances.

3. An attempt to commit any of the offences prescribed in the preceding two paragraphs shall be liable to punishment.

Article 24-2. Any person who unlawfully possesses, receives, or transfers cannabis shall be liable to penal servitude not exceeding 5 years.

2. Any person who commits an offence prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude not exceeding 7 years or to both penal servitude not exceeding 7 years and a fine not exceeding 2,000,000 yen according to the circumstances.

3. An attempt to commit any of the offences prescribed in the preceding two paragraphs shall be liable to punishment.

Article 24-3. Any person who comes under any of the following items shall be liable to penal servitude not exceeding 5 years:

- (1) A person who uses cannabis in contravention of the provision of Paragraph 1 or 2 of Article 3;
- (2) A person who administers, supplies for administering or undergoes the administering of medicine manufactured from cannabis in contravention of the provision of Article 4;
- (3) A person who violates the provision of Article 14.

2. Any person who commits an offence prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude not exceeding 7 years or to both penal servitude not exceeding 7 years and a fine not exceeding 2,000,000 yen according to the circumstances.

3. An attempt to commit any of the offences prescribed in the preceding two paragraphs shall be liable to punishment.

Article 24-4. Any person who commits a preparatory act in connection with any of the offences prescribed in Paragraph 1 or 2 of Article 24 shall be liable to penal servitude not exceeding 3 years.

Article 24-5. Cannabis possessed or owned by a criminal under the offences prescribed in Articles 24 through the preceding article shall be liable to confiscation. However, in case it belongs to any other person than the criminal, the confiscation may be avoided.

2. Any ship, aircraft or motor vehicle used for transportation of cannabis in the course of committing any of the offences prescribed in the preceding paragraph (excluding the offences prescribed in Article 24-3) may be liable to confiscation.

Article 24-6. Any person who, with knowledge of the circumstances, provides the funds, land, building, ship, aircraft, motor vehicle, equipment, machinery, tools or raw material (including the seeds of the cannabis) required for the act of committing any of the offences prescribed in Paragraph 1 or 2 of Article 24 or transports, shall be liable to penal servitude not exceeding 3 years.

Article 24-7. Any person who mediates to transfer and receive cannabis under the offences prescribed in Article 24-2, shall be liable to penal servitude not exceeding 2 years.

Article 24-8. The provision of Article 2 of the Penal Code shall apply to any of the offences prescribed in Articles 24, 24-2, 24-4, 24-6, and the preceding article.

Article 25. Any person who comes under any of the following items shall be liable to penal servitude not exceeding 1 year, or to a fine not exceeding 200,000 yen:

- (1) A person who makes advertisements on cannabis in contravention of the provision of Article 4;
- (2) A person who violates the provisions of Paragraph 2 of Article 7;
- (3) A person who fails to submit the report or submits a false report in contravention provisions of Article 15 or 17.

2. The preceding paragraph may be liable to both penalties in the preceding paragraph according to circumstances.

Article 26. Any person who comes under any of the following items shall be liable to a fine not exceeding 100,000 yen:

- (1) A person who fails to give notice under the provisions of Paragraph 2 of Article 10;
- (2) A person who violates the provisions of Paragraph 4 or 7 of Article 10;
- (3) A person who fails to keep a book, or makes no entry or false entries in the book in contravention of the provision of Paragraph 1 of Article 16-2;
- (4) A person who fails to preserve a book in contravention of the provision of Paragraph 2 of Article 16-2;
- (5) A person who refuses, prevents or evades the entry, examination or removal under the provisions of Paragraph 1 of Article 21.

Article 27. When any representative of a juridical person, any agent, or other person engaging in the business of a juridical person or natural person commits any of the offences, in connection with business activities of either the juridical person or natural person concerned, as prescribed in Paragraph 2 or 3 of Article 24, or Paragraph 2 or 3 of Article 24-2, or violates any

of the provisions in Paragraph 2 or 3 of Article 24-3 or the preceding two articles, such actor shall be liable to punishment as well as the juridical person or natural person concerned punished with a fine under an applicable article.

OPIUM LAW
(Law No. 71 of April 22, 1954)¹

Amendments:

1. Law No. 108 of June 21, 1963
2. Law No. 111 of June 1, 1970
3. Law No. 23 of May 1, 1984
4. Law No. 33 of June 19, 1990
5. Law No. 93 of October 5, 1991
6. Law No. 74 of June 18, 1993
7. Law No. 89 of November 12, 1993
8. Law No. 97 of November 11, 1994
9. Law No. 87 of July 16, 1999
10. Law No. 151 of December 8, 1999
11. Law No. 160 of December 22, 1999
12. Law No. 87 of June 29, 2000

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Chapter VIII	Penal Provisions	(Article 5 – 62)
Supplemental Provisions		(Omitted)

¹ Note by the Secretariat: A prior version of this law was published under E/NL.1994/36.

CHAPTER I GENERAL PROVISIONS

(Purpose)

Article 1. The purpose of this Law is, in order to achieve the rational supply of opium for medical and scientific purposes, the State exercises exclusive jurisdiction over the importation, exportation, purchase and sale of opium, as well as conducting necessary control over the cultivation of opium poppy, and the transfer, receipt and possession of opium and poppy straw.

(Exclusive Right of the State)

Article 2. The rights of importing and exporting opium, purchase of opium from the opium poppy cultivator, and A class research cultivator, and of selling opium to narcotics manufacturer and proprietor of narcotics research institution shall be vested with the State exclusively.

(Definitions)

Article 3. The following definitions shall apply throughout this Law.

- (1) "Opium poppy" means *Papaver Somniferum* L, *Papaver Setigerum* DC and other plants of papaveraceous family designated by the Minister of Health, Labour and Welfare.
- (2) "Opium" means the coagulated resin of opium poppy and its processed substance (excluding any of those manufactured as a medicine).
- (3) "Poppy straw" means the parts (excluding seeds) of opium poppy from which narcotics can be extracted.
- (4) "Opium poppy cultivator" means opium poppy planter, A class research cultivator and B class research cultivator.
- (5) "Opium poppy planter" means a person who cultivates opium poppy with the license given under the provisions in Paragraph 1 of Article 12, for the purpose of delivering the opium collected by them to the State.
- (6) "A class research cultivator" means a person who cultivates opium poppy with the license given under the provisions in Paragraph 1 of Article 12, for scientific research which requires collection of opium.
- (7) "B class research cultivator" means a person who cultivates opium poppy with the license given under the provisions in Paragraph 2 of Article 12, for scientific research which does not require collection of opium.
- (8) "Narcotics manufacturer" means narcotics manufacturer as provided by the Narcotics and Psychotropics Control Law (Law No. 14 of 1953).
- (9) "Narcotics researcher" means narcotics researcher as provided by the Narcotics and Psychotropics Control Law.
- (10) "Narcotics research institution" means narcotics research institution as provided by the Narcotics and Psychotropics Control Law.

CHAPTER II

PROHIBITION

(Prohibition of Opium Poppy Cultivation)

Article 4. No person other than an opium poppy cultivator shall cultivate opium poppy.

(Prohibition of Collection of Opium)

Article 5. No person other than an opium poppy planter or A class research cultivator shall collect opium.

(Prohibition of Import and Export)

Article 6. No person shall import or export opium. Provided, however, that this provision shall not apply where a person has been entrusted by the State to do so.

2. No person shall import or export poppy straw without permission of the Minister of Health, Labour and Welfare.

3. A person who wishes to apply for permission under the preceding paragraph shall submit a written application to the Minister of Health, Labour and Welfare through the Governor of the Prefecture of cultivation or wherein the place of business for narcotics as provided by the Narcotics and Psychotropics Control Law (hereinafter referred to as a "place of business for narcotics") is located, (in the case of the proprietor of a narcotics research institution, the prefecture wherein such a proprietor's narcotics research institution is located; the same for Paragraph 2 of Article 10), in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

(Prohibition of Transfer and receipt)

Article 7. No person shall, in respect of opium, transfer to or receive from any person other than the State.

2. No person other than an opium poppy cultivator, narcotics manufacturer or proprietor of narcotics research institution shall transfer or receive poppy straw.

3. A person provided in the preceding paragraph, in respect of poppy straw, shall not transfer to or receive from a person other than any of those provided in the same paragraph.

(Prohibition of possession)

Article 8. No person other than an opium poppy planter, A class research cultivator, narcotics manufacturer, narcotics researcher or proprietor of narcotics research institution shall possess opium.

2. An opium poppy planter or A class research cultivator shall not possess opium other than the opium collected by himself.

3. An opium poppy planter or A class research cultivator shall not possess the opium collected by him after the term of delivery fixed by the Minister of Health, Labour and Welfare under the provisions of Article 30.

4. A narcotics manufacturer, narcotics researcher or proprietor of narcotics research institution shall not possess opium other than the opium bought from the State.

5. No person other than a opium poppy cultivator, narcotics manufacturer, narcotics researcher or proprietor of narcotics research institution shall possess poppy straw.

(Prohibition of Smoking and Eating)

Article 9. No person shall smoke or eat opium or poppy straw.

(Prohibition of Destruction)

Article 10. No person shall destroy opium without permission of the Minister of Health, Labour and Welfare.

2. A person who wishes to apply for permission under the preceding paragraph shall submit a written application to the Minister of Health, Labour and Welfare through the Governor of the prefecture of cultivation or wherein a place of business for narcotics is located, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

CHAPTER III
CULTIVATION

(Location and Area of Cultivation)

Article 11. The Minister of Health, Labour and Welfare shall decide annually the location and area in which opium poppy planters or A class research cultivators may cultivate opium poppy and give a public notice of them.

(License for Cultivation)

Article 12. Any person who intends to cultivate opium poppy for purpose of delivering the opium which may be collected by him to the State or for scientific researches which requires collection of opium shall be licensed by the Minister of Health, Labour and Welfare, determining in advance the location and area of the cultivation, drying-place and storing-place of opium.

2. Any person who intends to cultivate opium poppy for scientific research which does not require collection of opium shall be licensed by the Minister of Health, Labour and Welfare, determining in advance the location and area of the cultivation.

3. Any person who applies for the license in the preceding two paragraphs shall submit a written application to the Minister of Health, Labour and Welfare through the Governor of the Prefecture where the applicant intends to cultivate opium poppy.

4. In case where the Governor of the Prefecture has accepted a written application in the preceding paragraph, he shall forward it to the Minister of Health, Labour and Welfare, after conducting necessary investigation and stating his opinion in it.

(Grounds of Incompetency for License)

Article 13. The license in Paragraph 1 or 2 of the preceding article shall not be granted to a person who comes under any of the following items.

- (1) A minor;
- (2) An adult ward or a person who is under the supervision of a curator;
- (3) A narcotic addict, cannabis addict or opium addict.

(Restriction of License)

Article 14. The license in Paragraph 1 or 2 of Article 12 may not be granted to the person who comes under any of the following items:

- (1) A person who is specified in the Ministry of Health, Labour and Welfare Ordinance as being incapable of properly conducting the business of poppy growing due to his mental and/or physical disabilities;
- (2) A person whose license has been cancelled in accordance with the provisions of Article 42 and who has not passed 3 years after the date of cancellation;
- (3) A person who has committed a violation of this Law, Narcotics and Psychotropics Control Law, Cannabis Control Law (Law No. 124 of 1948), Stimulants Control Law (Law No. 252 of 1951), or the Law Concerning Special Provisions for the Narcotics and Psychotropics Control Law, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conducts and Other Activities Involving Controlled Substances through International Cooperation (Law No. 94 of 1991), or a crime provided in Chapter XVI, Part II of the Criminal Code (Law No. 45 of 1907), and consequently, has been sentenced to a penalty heavier than a fine and who has not passed 3 years after the completion of, or the effectuation of exemption of further execution of, his sentence;
- (4) A person who intends to cultivate opium poppy in a place deemed inadequate for cultivation of opium poppy or control;
- (5) Except the cultivation for scientific research, a person who has applied for an area extremely small for cultivation;
- (6) A person who is deemed incapable administratively or technically as opium poppy cultivator;
- (7) A juridical person or organization having a person who comes under any of the items of the preceding article or Item (1) through (3) of this article among the officers conducting its business.

(License card for Cultivation)

Article 15. The Minister of Health, Labour and Welfare shall, in case he has granted the license in Paragraph 1 or 2 of Article 12, issue a license card for cultivation to the applicant.

2. In the license card, there shall be mentioned the following items:

- (1) The name of an opium poppy cultivator;
- (2) The address of an opium poppy cultivator;
- (3) The location of cultivation;
- (4) The area of cultivation;

(5) Other matters provided by the Ministry of Health, Labour and Welfare Ordinance.

3. In the license card to be issued to an opium poppy planter or A class research cultivator, there shall be mentioned the drying-place and storing-place for opium, besides the matters mentioned in each item of the preceding paragraph.

4. The license card shall not be transferred or lent to any other person.

(Term of Validity of License)

Article 16. The term of validity of the license in Paragraph 1 or 2 of Article 12 shall be from the date of its grant to September 30 within the limit of 1 year.

(Prohibition of Cultivation Outside Authorized Place)

Article 17. Any opium poppy cultivator shall not cultivate opium poppy in a place other than the authorized place for cultivation.

2. Any opium poppy planter or A class research cultivator shall neither dry opium in a place other than the authorized drying-place, nor store opium in a place other than the authorized storing-place.

(Alteration in License)

Article 18. Any opium poppy cultivator may apply for alteration of the matters described in the license provided in Paragraph 1 or 2 of Article 12 to the Minister of Health, Labour and Welfare, concerning the location, area, or drying-place or storing-place. Provided, however, that this provision shall not apply where an opium poppy cultivator intends to alter these matters outside the limit of the Prefecture.

2. The provisions of Paragraph 3 and 4 of Article 12 shall apply *mutatis mutandis* to the application in the preceding Paragraph, and the provisions of Items (4) to (6) of Article 14 shall apply *mutatis mutandis* to the alteration of the matters described in license provided in the preceding paragraph.

3. Any opium poppy cultivator who intends to make an application in Paragraph 1 shall attach the license card for cultivation to a written application.

4. The Minister of Health, Labour and Welfare shall, in case he has altered the license in accordance with the provision of Paragraph 1, revise the matters to be altered in the license card for cultivation and issue it to the applicant.

(Prevention of Incident)

Article 19. An opium poppy planter or A class research cultivator shall store the opium collected by him in a locked, strongly built place, till he delivers the opium to the State. Provided, however, that during the drying of the opium, it may be stored in a safe locked place.

2. In addition to the provisions provided in the preceding paragraph, the measures to be taken by opium poppy cultivators to prevent loss, theft, disappearance or any other incident in respect to opium or poppy straw shall be provided by the Ministry of Health, Labour and Welfare Ordinance.

(Report of Incidents)

Article 20. An opium poppy cultivator shall, in case of loss, theft, disappearance, or any other incident has occurred in respect of the opium or the poppy straw which he has possessed, promptly report the quantity and other information necessary for making the circumstances of the incident clear, to the Minister of Health, Labour and Welfare, through the Governor of the Prefecture.

(Transfer and Destruction of Poppy Straw)

Article 21. An opium cultivator shall, in case he has transferred poppy straw to narcotics manufacturer or proprietor of narcotics research institution or to other opium poppy cultivator, or has received it from any of such persons, report within 15 days to the Minister of Health, Labour and Welfare, through the Governor of the Prefecture, the matters provided by the Ministry of Health, Labour and Welfare Ordinance.

2. An opium cultivator shall, in case he intends to destroy poppy straw, report to the Governor of the Prefecture in advance the date and time, place and method of destruction.

3. An opium poppy cultivator shall, in respect of the destruction of poppy straw, follow the method reported in accordance with the provisions of the preceding paragraph. Provided, however, that he shall, in case he is instructed the method for destruction otherwise by an opium inspector, follow it.

(Notification of Alteration)

Article 22. An opium poppy cultivator shall, in case there has occurred any alteration in the matters mentioned in Paragraph 1, 2 or 5 of Article 15, give notice within 15 days to the Minister of Health, Labour and Welfare, through the Governor of the Prefecture.

2. In respect of the notification provided in the preceding paragraph, a document certifying the reason of the notification and the license card for cultivation shall be attached to it.

3. The provision of Paragraph 4 of Article 18 shall apply *mutatis mutandis* to a case where the notification provided for in Paragraph 1 has been made.

(Reissue of License Card)

Article 23. An opium poppy cultivator shall, in case the license card for cultivation has been damaged or lost, make an application for reissue of the license card within 15 days to the Minister of Health, Labour and Welfare, through the Governor of the Prefecture.

2. In respect of the application provided in the preceding paragraph, the reason shall be mentioned in the written application, and the license card concerned in case of damage shall be attached to it.

3. An opium poppy cultivator shall, in case where the lost license card has been found after the renewed license card was issued in accordance with the provision of Paragraph 1, return the found license card, within 15 days to the Minister of Health, Labour and Welfare, through the Governor of the Prefecture.

(Notification of Invalidation of License)

Article 24. In any of such cases as decease of an opium poppy cultivator or dissolution of a juridical person who is an opium poppy cultivator, a successor or administrator of the estate, or a liquidator, an administrator in bankruptcy or a representative of a juridical person who remains in existence after amalgamation with another one or of the new juridical person established as a result of the amalgamation shall give notice, within 15 days to the Minister of Health, Labour and Welfare, through the Governor of the Prefecture.

2. In respect of the notification provided for in the preceding paragraph, the license card for cultivation shall be attached to it.

(Notification of Discontinuation)

Article 25. An opium poppy cultivator shall, in case he has discontinued the cultivation or research of opium poppy, give notice without undue delay to the Minister of Health, Labour and Welfare, through the Governor of the Prefecture.

2. In case the notification in the preceding paragraph has been done so, the license in Paragraph 1 or 2 of Article 12 shall become null and void.

(Obligation of Cultivation for Opium Poppy Planter)

Article 26. An opium poppy planter shall not, without a good reason, discontinue the cultivation of opium poppy or reduce the area of cultivation.

(Return of License Card)

Article 27. An opium poppy cultivator shall, in case the license has become null and void, return the license card for cultivation within 15 days to the Minister of Health, Labour and Welfare, through the Governor of the Prefecture.

(Measures to be taken in the Case of the Invalidation of License, etc.)

Article 28. An opium poppy cultivator shall, in case the license has become null and void in accordance with the provision of Paragraph 2 of Article 25 or cancelled in accordance with the provisions of Article 42, notify within 15 days the quantity of opium and poppy straw in his actual possession to the Minister of Health, Labour and Welfare, through the Governor of the Prefecture.

2. The Provision of Paragraph 1 of Article 8 shall not apply, in respect to the opium, to the person mentioned in the preceding paragraph and who possesses opium within 50 days after the date of arising the reason for the notification.

3. The provision of Paragraph 2 of Article 7 shall not apply to the person mentioned in the Paragraph 1 who possesses poppy straw, only when he transfers the poppy straw to opium poppy cultivator, narcotics manufacturer, or proprietor of narcotics research institution within 50 days after the date of arising the reason for the notification, or the provision of Paragraph 5 of Article 8 shall not apply to the possession of poppy straw by the person, only within the same period.

4. The provisions of Article 21 shall apply *mutatis mutandis* to a case where the person mentioned in the preceding paragraph transfers or destroys poppy straw in the preceding paragraph within the said period.

5. In the case of decease of opium poppy cultivator or dissolution of a juridical person who is opium poppy cultivator, each provision of the preceding paragraphs shall apply *mutatis mutandis* to a successor or administrator of the estate, or to a liquidator, an administrator in bankruptcy or a representative of a juridical person who remains in existence after amalgamation with another one or of the new juridical person established as a result of the amalgamation.

CHAPTER IV PURCHASE AND SALE

(Purchase)

Article 29. The State shall purchase all the opium which opium poppy planters or A class research cultivators have collected.

(Term of Delivery)

Article 30. The Minister of Health, Labour and Welfare shall fix annually the term of delivery within which an opium poppy planter and A class research cultivator shall deliver the opium he collects to the State, and give a public notice of the fixed term of delivery.

(Purchase-Price)

Article 31. After consulting with the Minister of Finance, the Minister of Health, Labour and Welfare shall fix the price for purchase of the opium to be delivered, taking into consideration of the condition of production by opium poppy cultivators, import price of opium and other economic conditions.

2. The Minister of Health, Labour and Welfare shall give a public notice of the price for purchase of the opium not later than September 30 of every year.

(Payment)

Article 32. The State shall examine the morphine content of the opium which has been delivered by opium poppy planters or A class research cultivators and pay money according to its morphine content.

2. The amount of payment shall conform to the price for purchase of which the Minister of Health, Labour and Welfare gave a public notice in the preceding year, in accordance with the provision of Paragraph 2 of the preceding Article.

3. The method for examination provided for in Paragraph 1 shall be provided by the Ministry of Health, Labour and Welfare Ordinance.

4. In case where the opium has been delivered, the State may pay a part of the payment, as provided by the Cabinet Ordinance prior to the confirmation of the examination provided for in Paragraph 1.

(Compensation for Disaster)

Article 33. The State may, in case where the amount of payment for the opium cultivated by an opium poppy planter and collected in a year does not reach the seven-tenth of such payment in regular year calculated in accordance with the provisions of the Cabinet Ordinance due to the wind, flood, rain, earthquake, hail, cold weather, snow, freezing weather, drought, disease or other disaster taken place during the period from the germination to the collection of the opium, provide the opium poppy planter with the compensation within the limit in the amount corresponding to one-half of the balance between seven-tenths of the payment in regular year and the amount of payment in that year.

2. An opium poppy planter who wishes to apply for the provisions of compensation under the preceding paragraph shall submit a written application to the Minister of Health, Labour and Welfare through the Governor of the prefecture of cultivation after suffering any of the disasters provided in the preceding paragraph, without delay, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

(Sale)

Article 34. The State shall sell the opium on its hands to narcotics manufacturers or proprietors of narcotics research institutions.

2. When a narcotics manufacturer or the proprietor of a narcotics research institution wishes to purchase the opium sold under the preceding paragraph, he/ she shall submit a written application to the Minister of Health, Labour and Welfare, the latter through the Governor of the prefecture wherein his narcotics research institution is located, in accordance with the provisions of the Ministry of health, Labour and Welfare Ordinance.

(Sale-Price)

Article 35. The price for sale of the opium shall be fixed by the Cabinet Ordinance.

2. In fixing the price for sale, the expenses for importing, purchasing, and storing of the opium and conducting business concerning the opium and the cost required for the compensation for disaster as provided in Paragraph 1 of Article 33 shall be taken into consideration.

CHAPTER V
ADMINISTRATION

(Custody)

Article 36. A narcotics manufacturer or narcotics researcher shall store opium which he possesses or takes charge of in a locked, strongly built place.

2. A narcotics manufacturer or narcotics researcher shall store poppy straw which he possesses or takes charge of in a locked place.

(Report of Incidents)

Article 37. The provisions of Article 20 shall apply *mutatis mutandis* in the event of incidents in respect to opium or poppy straw which narcotics manufacturers or narcotics researcher possess or take charge of.

(Destruction of Poppy Straw)

Article 38. The provisions of Paragraphs 2 and 3 of Article 21 shall apply *mutatis mutandis* where narcotics manufacturers or proprietors of narcotics research institutions destroy poppy straw.

(Book)

Article 39. A narcotics manufacturer shall enter the following matters in the book as provided by Paragraph 1 of Article 37 of Narcotics and Psychotropics Control Law:

- (1) The quantity of opium received, used for manufacturing narcotics or destroyed and the date thereof;
- (2) The quantity of poppy straw imported, exported, transferred, received, used for manufacturing narcotics or destroyed, and the date thereof;
- (3) The name and address of the counter-party of the import, export, transfer or receipt of poppy straw;
- (4) The quantity of opium or poppy straw reported in accordance with the provisions of Article 20 applied *mutatis mutandis* in Article 37.

2. A narcotics researcher shall enter the following matters in the book as provided in Paragraph 1 of Article 40 of Narcotics and Psychotropics Control Law:

- (1) The quantity of opium or poppy straw which has newly placed under, or removed from the administration, and the date thereof;
- (2) The quantity of opium or poppy straw used for scientific research, and the date thereof;
- (3) The quantity of opium or poppy straw reported in accordance with the provisions of Article 20 applied *mutatis mutandis* in Article 37.

(Report)

Article 40. A narcotics manufacturer shall semi-annually report the following matters to the Minister of Health, Labour and Welfare within 15 days after the expiration of each period, from January to June, and from July to December:

- (1) When he possessed opium or poppy straw at the beginning of the six-month period, the quantity of opium or poppy straw which he possessed;
- (2) When he used opium for manufacturing narcotics during the six-month period, the quantity of opium which he used;
- (3) When he transferred, received or destroyed poppy straw or used it for manufacturing narcotics during the quarter, the quantity of poppy straw which he transferred, received or destroyed or used, and the name and address of the counter-party of the transfer or receipt;

- (4) When he possessed opium or poppy straw at the end of the six-month period, the quantity of opium or poppy straw which he possessed;
2. A narcotics researcher shall report the following matters to the Governor of the Prefecture not later than November 30 each year.
- (1) When he had opium or poppy straw under his administration on October 1 in the preceding year, the quantity of opium or poppy straw which was under his administration;
- (2) When there was opium or poppy straw newly placed under his administration between October 1 in the preceding year and September 30 in that year, or when he used opium or poppy straw for scientific researches during the said period, the quantity of opium or poppy straw newly placed under his administration or used;
- (3) When he had opium or poppy straw under his administration on September 30, in that year the quantity of opium or poppy straw which was under his administration.

(Measures to be taken in the Case of Invalidation of License, etc.)

Article 41. A narcotics manufacturer or the proprietor of narcotics research institution shall, in case license of a narcotics manufacturer has become null and void or a narcotics research institution has ceased to be such institution (except where the narcotics manufacturer has continued his business, after his license became null and void), notify within 15 days the quantity of opium or poppy straw which he possesses actually, to the Minister of Health, Labour and Welfare in the case of a narcotics manufacturer, and to the Governor of the Prefecture in the case of a proprietor of narcotics research institution.

2. The provision of Paragraph 1 of Article 8 shall not apply, in respect to the opium, to the person mentioned in the preceding paragraph who possesses opium, within 50 days after the date of arising the reason for the notification.

3. The provision of Paragraph 2 of Article 7 shall not apply to the transfer by the person mentioned in Paragraph 1 and who possess poppy straw, only when he transfers the poppy straw to opium poppy cultivators, narcotics manufacturers or proprietor of narcotics research institution, within 50 days after the date of arising the reason for the notification and the provision of Paragraph 5 of Article 8 shall not apply to the possession of poppy straw by the person only within the said period.

4. The provisions of Article 21 shall apply *mutatis mutandis* where the person mentioned in the preceding paragraph transfers or destroys poppy straw within the said period.

5. In the case of decease of a narcotics manufacturer or proprietor of narcotics research institution, or in the case of dissolution of a juridical person who is a narcotics manufacturer or proprietor of narcotics research institution, the provisions in each of the preceding paragraphs shall apply *mutatis mutandis* a successor, or administrator of the estate or to a liquidator, administrator in bankruptcy or the representative of a juridical person who remains in existence after amalgamation with another one or of the new juridical person established as a result of amalgamation.

CHAPTER VI SUPERVISION

(Cancellation of License)

Article 42. The Minister of Health, Labour and Welfare shall cancel the license, in case an opium poppy cultivator has come under Item (2) or (3) of Article 13.

2. The Minister of Health, Labour and Welfare may cancel the license, in case an opium poppy cultivator has violated the Provision of this Law or order or disposition made in accordance with the provisions of this Law or he has come under Item (1), (3) or (7) of Article 14.

(Hearing)

Article 43. When the Minister of Health, Labour and Welfare holds a hearing concerning cancellation of the license provide in the preceding article, the Minister shall notify not less than one week prior to the date of the hearing in accordance with Paragraph 1 of Article 15 of Administrative Procedure Law (Law No. 88 of 1993), and shall make public notice of the date and place of the hearing.

2. The examination on the date of the hearing concerning the cancellation of the license in accordance with the provisions of the preceding article shall be conducted in public.

(Collection of Reports, etc.)

Article 44. The Minister of Health, Labour and Welfare may, in case where he deems there are necessities in exercising control over opium or poppy straw, collect necessary report from an opium poppy cultivator, narcotics manufacturer, narcotics researcher or any other person concerned or may have the person previously designated from among the narcotics control officers or pharmaceutical inspectors enter the place of the poppy cultivation, the place for drying, storing of opium, storing-place of poppy straw or the place for manufacturing narcotics or narcotics research institution and any other places concerned with opium or poppy straw, examine books and other things, put a question the person concerned, or remove, only in the minimum amount necessary for the identification, opium, poppy straw or any other substance suspected of being as such.

2. The Governor of the Prefecture may, in case where he deems there are necessities in exercising control over opium or poppy straw, collect necessary report from an opium poppy cultivator, narcotics researcher or and any other persons concerned or may have the persons previously designated from among the prefectural narcotics control officials or pharmaceutical inspectors enter the place of the poppy cultivation, the place for drying or storing of opium, storing-place of poppy straw, the narcotics research institution or any other places concerned with opium or poppy straw, examine books and other things, put a question the person concerned, or remove, only in the minimum amount necessary for the identification, opium, poppy straw, or any other substance suspected of being as such.

3. The person designated under the provisions of the preceding two paragraphs shall be called opium inspector.

4. An opium inspector shall carry identification card showing his status and present it on demand of the persons concerned.

5. The powers provided in Paragraph 1 or 2 shall not be interpreted as having been authorized for criminal investigation.

6. In case the Governor of the Prefecture finds it necessary to make disposition in Article 42, he shall report to that effect to the Minister of Health, Labour and Welfare.

(Receipt of Opium, etc. by Narcotics Control Officer and Prefectural Narcotics Control Official)

Article 45. Notwithstanding the provisions of this Law, a narcotics control officer and prefectural narcotics control official may, in connection with criminal investigation concerning opium or poppy straw, receive opium or poppy straw from any persons under the permission of the Minister of Health, Labour and Welfare.

**CHAPTER VII
MISCELLANEOUS PROVISIONS**

(Fee)

Article 46. Any person who comes under any of the following items shall pay to the national treasury the fee fixed by the Cabinet Ordinance taking into consideration the actual expenses:

- (1) A person who applies for the license for cultivation of opium poppy;
- (2) A person who applies for the alteration in the license for cultivation of opium poppy;
- (3) A person who applies for reissue of the license card for cultivation;

(Subsidy)

Article 47. In accordance with the provisions of Cabinet Ordinance, the State shall grant the Prefecture the expenses in respect to the business conducted by the Governor thereof under the provisions of this Law.

(Disposition of Opium, etc. Reverted to the National Treasury)

Article 48. The Minister of Health, Labour and Welfare may make a necessary disposition in respect to the opium or poppy straw which has been reverted to the national treasury in accordance with the provisions of laws and ordinances (except the opium purchased in accordance with the provision of this Law).

(Case of Any Single Person Granted Not Less Than Two Qualifications)

Article 49. In case any opium poppy cultivator is narcotics manufacturer or proprietor of narcotics research institution concurrently or narcotics manufacturer is proprietor of narcotics research institution concurrently, he shall be deemed to be a separate person in respect of each qualification, in connection with the application of the provisions concerning the transfer and receipt of opium or poppy straw in this Law. The same shall apply to the any person who are granted not less than two licenses of narcotics manufacturer or the proprietor of not less than two narcotics research institutions by an individual.

(Provision Necessary for Enforcement of this Law)

Article 50. Except the Cabinet Ordinance entrusted by this Law, the procedures and other regulations necessary for enforcement of this Law shall be provided by the Ministry of Health, Labour and Welfare Ordinance.

(Classification of Affairs)

Article 50-2. The affairs to be administered by a prefecture under this Law (excluding Paragraph 4 of Article 12 and Paragraph 6 of Article 44) shall fall under the Class A Statutory Delegated Affairs specified in Item (1) of Paragraph 9 of Article 2 of the Local Autonomy Law (Law No. 67 of 1947).

(Delegation of Authority)

Article 50-3. The authority of the Minister of Health, Labour and Welfare prescribed in this Law may be delegated to the Director General of a Regional Bureau of Health and Welfare, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

2. The authority delegated to the Director General of a Regional Bureau of Health and Welfare under the preceding paragraph may be delegated to the Director General of a branch of the Regional Bureau of Health and Welfare or to the Director General of a branch of a regional narcotics control office, in accordance with the provisions of the Ministry of health, Labour and Welfare Ordinance.

**CHAPTER VIII
PENAL PROVISIONS**

Article 51. Any person who comes under any of the following items shall be liable to penal servitude from 1 to 10 years inclusive:

- (1) A person who unlawfully cultivates the opium poppy (excluding a person who comes under Item (2) of Article 55);
- (2) A person who unlawfully collects opium;
- (3) A person who unlawfully imports the opium or poppy straw to Japan or any other country, or exports from Japan or any other country.

2. Any person who commits an offence prescribed in the preceding article for the purpose of gain shall be liable to penal servitude for a limited term not less than 1 year or to both penal servitude for a limited term not less than 1 year and a fine not exceeding 5,000,000 yen according to circumstances.

3. An attempt to commit any of the offences prescribed in the preceding two paragraph shall be liable to punishment.

Article 52. Any person who unlawfully transfers, receives or possesses the opium or poppy straw (excluding a person who comes under Item (1) of Article 55) shall be liable to penal servitude not exceeding 7 years.

2. Any person who commits an offence prescribed in the preceding article for the purpose of gain shall be liable to penal servitude from 1 year to 10 years inclusive or to both penal servitude from 1 year to 10 years inclusive and a fine not exceeding 3,000,000 yen according to circumstances.

3. An attempt to commit any of the offences prescribed in the preceding two paragraphs shall be liable to punishment.

Article 52-2. Any person who violates the provision of Article 9 shall be liable to penal servitude not exceeding 7 years.

2. An attempt to commit any of the offences prescribed in the preceding paragraph shall be liable to punishment.

Article 53. Any person who commits a preparatory act in connection with any of the offences prescribed in Paragraph 1 or 2 of Article 51 shall be liable to penal servitude not exceeding 5 years.

Article 54. Any opium or poppy straw possessed or owned by a criminal under the offences prescribed in Articles 51 through the preceding article shall be liable to confiscation. However, in case it belongs to any other person than the criminal, the confiscation may be avoided.

2. Any ship, aircraft or motor vehicle used for transportation of the opium or poppy straw in the course of committing any of the offences prescribed in the preceding paragraph (excluding the offences prescribed in Article 52-2) shall be liable to confiscation.

Article 54-2. Any person who, with knowledge of the circumstances, provides the funds, land, building, ship, aircraft, motor vehicle, equipment, machinery, tools or raw material (including seeds of an opium poppy) required for the act of committing any of the offences prescribed in Paragraph 1 or 2 of Article 51 or transports, shall be liable to penal servitude not exceeding 5 years.

Article 54-3. Any person who mediates to transfer and receive the opium or poppy straw, under the offences prescribed in Paragraph 1 or 2 of Article 52, shall be liable to penal servitude not exceeding 3 years.

Article 54-4. The provision of Article 2 of the Penal Code shall apply to any of the offences provided in Articles 51, 52, 53, 54-2, and the preceding article.

Article 55. Any person who comes under any of the following items shall be liable to penal servitude not exceeding 3 years, or a fine not exceeding 500,000 yen, or to both.

- (1) A person who violates the provisions of Paragraph 3 of Article 8
- (2) A person who violates the provisions of Article 17

Article 56. In case an act, which comes under any of the provisions of Article 51, 52, 52-2 or the preceding article, constitutes an offence against the provisions in Chapter XIV, Part II of the Penal Code, the offender shall be punished with the penalty which is heavier than the other.

Article 57. Any person who comes under any of the following items shall be liable to penal servitude not exceeding 1 year, or to a fine not exceeding 200,000 yen, or to both:

- (1) A person who destroys opium without the permission under the provision of Paragraph 1 of Article 10;
- (2) A person who violates the provision of Paragraph 4 of Article 15, Paragraph 1 of Article 19 or Paragraph 1 of Article 36;
- (3) A person who gives the false report/notification under the provisions of Article 20 (including the case where the provision of this article shall apply *mutatis mutandis* to Article 37), Paragraph 1 of Article 28 (including the case where the provision of this paragraph shall apply *mutatis mutandis* to Paragraph 5 of the same Article) or Paragraph 1 of Article 41 (including the case where the provision of this paragraph shall apply *mutatis mutandis* to Paragraph 5 of the same Article);
- (4) A person who makes no entry or false entries in the book in contravention of the provision of Paragraph 1 or 2 of Article 39;

Article 58. Any person who violates the provisions of Article 20 (including the case where the provisions of this article shall apply *mutatis mutandis* to Article 37), Paragraph 1 of Article 28 (including the case where the provision of this paragraph shall apply *mutatis mutandis* Paragraph 5 of the same Article), Paragraph 2 of Article 36 or Paragraph 1 of Article, 41 (including the case where the provision of this paragraph shall apply *mutatis mutandis* to Paragraph 5 of the same Article) shall be liable to penal servitude not exceeding 6 months, or to a fine not exceeding 100,000 yen, or to both.

Article 59. Any person who comes under any of the following items shall be liable to a fine not exceeding 300,000 yen:

- (1) A person who fails to submit the report, or submits the false report in contravention of the provisions of Paragraph 1 of Article 21 (including the case where the provision of this paragraph shall apply *mutatis mutandis* to Paragraph 4 of Article 28 or Paragraph 4 of Article 41), or Paragraph 1 or 2 of Article 40;
- (2) A person who fails to submit the report, submits the false report, or refuses, prevents or evades the entry, examination or removal in contravention of the provision of Paragraph 1 or 2 of Article 44.

Article 60. Any person who violates the provision of Paragraph 1 of Article 24 or Paragraph 1 of Article 25 shall be liable to a fine not exceeding 100,000 yen.

Article 61. When any representative of a juridical person, any agent, employee or other person engaging in the business of a juridical person or natural person commits any of the offences, in connection with business activities of either the juridical person or natural person concerned, as provided in Paragraph 2 or 3 of Article 51, or Paragraph 2 or 3 of Article 52, or who violates any

of the provisions in Article 55 or Articles 57 through the preceding article, such actor shall be liable to punishment as well as the juridical person or natural person concerned punished with a fine under an applicable article.

Article 62. Any person who violates the provision of Paragraph 1 or 3 of Article 23 or Article 27 shall be liable to a non-penal fine not exceeding 100,000 yen.

STIMULANTS CONTROL LAW
(Law No. 252 of June 30, 1951)¹

Amendments:

1. Law No. 136 of June 1, 1954
2. Law No. 177 of June 12, 1954
3. Law No. 171 of August 20, 1955
4. Law No. 5 of March 10, 1958
5. Law No. 145 of August 10, 1960
6. Law No. 1 of June 1, 1970
7. Law No. 103 of June 26, 1972
8. Law No. 114 of October 15, 1973
9. Law No. 33 of June 19, 1990
10. Law No. 93 of October 5, 1991
11. Law No. 46 of May 20, 1992
12. Law No. 89 of November 12, 1993
13. Law No. 87 of July 16, 1999
14. Law No. 160 of December 22, 1999
15. Law No. 126 of November 27, 2000
16. Law No. 96 of July 31, 2002
17. Law No. 100 of July 31, 2002

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¹ Note by the Secretariat: A prior version of this law was published under E/NL.1994/37.

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CHAPTER I GENERAL PROVISIONS

(Purpose)

Article 1. The purpose of this Law is to exercise the necessary controls over the import, export, possession, manufacture, transfer, receipt, and use of stimulants and stimulants raw materials for the purpose of preventing harm to health and hygiene caused by the abuse of stimulants.

(Definitions)

Article 2. "Stimulants" means any of the following substances:

- (1) Phenylamiiiopropan, phenylmethylaminopropan, and their salts;
- (2) Any substance with stimulating properties of the same kind as those listed in the preceding item and designated by the Cabinet Ordinance;
- (3) Any substance which contain any of the substances listed in the preceding two items.

2. "Stimulants manufacturer" means a person designated in accordance with the provision of this Law as one who is authorized to be engaged in the professional manufacture of stimulants (including the refining of stimulants, the transformation of stimulants into other stimulants with or without chemical processes, and the subdividing and putting stimulants into containers, but excluding dispensation, and hereinafter referred to as such) and in the professional transfer of the stimulants manufactured by him to a stimulants administering institution or stimulants researcher.

3. "Stimulants administering institution" means a hospital or a clinic designated in accordance with the provisions of this Law as an institution which is authorized to administer stimulants.

4. "Stimulants researcher" means a person designated in accordance with the provisions of this Law as one who is authorized to use stimulants for scientific research, and/or as one who is authorized to manufacture any of such substances only under the permission granted by the Minister of Health, Labour and Welfare.

5. "Stimulants raw material" means any of the substances listed in the separate Table.

6. "Stimulants raw material importer" means a person designated in accordance with the provisions of this Law as one who is authorized to be engaged in the professional import of stimulants raw material, and/or as one who is authorized to import such a substance for his business.

7. "Stimulants raw material exporter" means a person designated in accordance with the provisions of this Law as one who is authorized to be engaged in the professional export of

stimulants raw material, and/or as one who is authorized to import such a substance for his business.

8. "Stimulants raw material manufacturer" means a person designated in accordance with the provisions of this Law as one who is authorized to be engaged in the professional manufacture of stimulants raw material, and/or as one who is authorized to manufacture such a substance for his business (including the refining of stimulants raw material, the transformation of stimulants raw material into other stimulants raw material with or without chemical processes, and the subdividing and putting stimulants raw material into containers, but excluding dispensation).

9. "Stimulants raw material handler" means a person designated in accordance with the provisions of this Law as one who is authorized to be engaged in the professional transfer of stimulants raw material, and/or as one who is authorized to use any of such substances for his business.

10. "Stimulants raw material researcher" means a person designated in accordance with the provisions of this Law as one who is authorized to manufacture, and/or as one who is authorized to use any of such substances for scientific research.

CHAPTER II

DESIGNATION AND NOTIFICATION

(Requirements for Designation)

Article 3. The designation of a stimulants manufacturer shall be granted by the Minister of Health, Labour and Welfare with respect to each manufactory, and that of a stimulants administering institution or stimulants researcher shall be granted by the Governor of the Prefecture wherein the institution, clinic, or research institution concerned is located with respect to each hospital or clinic, or research institution, to a person recognized as proper from among those who have the qualifications mentioned in the following items:

- (1) With regard to the stimulants manufacturer, a person who has obtained a license for the marketing of medicine in accordance with the provision of Paragraph 1 of Article 12 (License for Marketing of Medicine) of the Pharmaceutical Affairs Law (Law No. 145 of 1960) and a license for the manufacture of medicine in accordance with the provision of Paragraph 1 of Article 13 (License for Manufacture of Medicine) (hereinafter referred to as pharmaceutical manufacturer/ seller);
- (2) With regard to the stimulants administering institution, a mental hospital or other hospitals or clinics that need to administer stimulants for medical treatment;
- (3) With regard to the stimulants researcher, a person who has sufficient knowledge of stimulants and who needs to use stimulants for scientific research.

2. The other particulars concerning the designation of a stimulants administering institution or a stimulants researcher shall be provided by the Ministry of Health, Labour and Welfare Ordinance.

(Procedure of Application for Designation)

Article 4. Any person who intends to be designated as a stimulants manufacturer shall submit a written application with respect to each manufactory to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein the manufactory is located.

2. Any person who intends to be designated as a stimulants administering institution or stimulants researcher shall submit a written application with respect to each hospital or clinic, or each research institute to the Governor of the Prefecture wherein such a institution is located.

(Designation Card)

Article 5. A designation card shall, in ease the designation of a stimulants manufacturer, stimulants administering institution or stimulants researcher has been granted, be issued by the Minister of Health, Labour and Welfare to the stimulants manufacturer, and by the Governor of the Prefecture to the proprietor of the stimulants administering institution and to the stimulants researcher respectively.

2. The designation card for a stimulants manufacturer shall be issued through the Governor of the Prefecture wherein the manufactory is located.

3. The designation card shall not be transferred or lent to any other person.

(The Term of Validity of Designation)

Article 6. The term of validity of designation for a stimulants manufacturer, a stimulants administering institution, or a stimulants researcher shall be from the date of designation to December 31 of the next year.

(The Invalidation of Designation)

Article 7. The designation shall, with respect to a stimulants manufacturer, stimulants administering institution, and stimulants researcher, become null and void when any of the causes prescribed in Article 9 has arisen as well as when the term of validity of the designation has expired, or when the designation has been cancelled.

(Cancellation of Designation and Suspension of Business, etc.)

Article 8. In case where a stimulants manufacturer, proprietor of the stimulants administering institution, administrator of the stimulants administering institution (the administrator of the hospital or clinic provided for under the Medical Care Law (Law No. 205 of 1948) and hereinafter referred to as such), medical practitioner who is engaged in treatment at a stimulants administering institution or a stimulants researcher has violated the provision of this Law or the disposition based on the provision of this Law, or conditions attached to designation or permission, or in case where a stimulants researcher has lost the qualifications mentioned in Item (3) of Paragraph 1 of Article 3, the Minister of Health, Labour and Welfare as to a stimulants manufacturer; or the Governor of the Prefecture as to a stimulants administering institution or a stimulants researcher, may cancel the designation or order the suspension of the business or research concerning stimulants and stimulants raw materials conducted by the stimulants manufacturer or the stimulants researcher by fixing the period for the suspension.

2. Notification concerning the disposition under the preceding paragraph, in accordance with Paragraph 1 of Article 15 or Article 30 of the Administrative Procedure Law (Law No. 88 of 1993), shall be made not less than two weeks prior to the date of the hearing or the date of submission of a written explanation (or the date and time for an oral explanation if such is permitted).

(Notification of Discontinuation of Business, etc.)

Article 9. A stimulants manufacturer shall, in a case where he comes under any of the following items, give notice to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein his manufactory is located, accompanied with his designation card, within 15 days from the date of arising of the cause mentioned in the item concerned.

- (1) In case he has discontinued the business of manufacturing stimulants in the manufactory;
- (2) In case the term of validity of the license for the marketing of medicine has expired in accordance with the provision of Paragraph 2 of Article 12 (Term of Validity of License) of the Pharmaceutical Affairs Law, or the license for the manufacture of medicine has expired in accordance with the provision of Paragraph 3 of Article 13 (Term of Validity of License) of the same law and the license has not been renewed;
- (3) In case the license for the marketing of medicine or the license for the manufacture of medicine has been cancelled in accordance with the provision of Paragraph 1 of Article 75 (Cancellation of License, etc.) of the Pharmaceutical Affairs Law;

2. The proprietor of a stimulants administering institution shall, in a case where he comes under any of the following items, give notice to the Governor of the Prefecture wherein the hospital or clinic concerned is located, accompanied with his designation card, within 15 days from the date of arising of the cause mentioned in the item concerned.

- (1) In case the hospital or clinic designated as a stimulants administering institution has been discontinued;
- (2) In case the medical examination and treatment concerning the department of a medical institution pursuant to the criterion set forth under Paragraph 2 of Article 3 (Criterion for Designation) has been discontinued in the hospital or clinic designated as a stimulants administering institution;
- (3) In case the license for establishment of the hospital or clinic designated as a stimulants administering institution has been cancelled in accordance with the provision of Article 29 (Cancellation of License for Establishment and Order of Closure) of the Medical Care Law.

3. A stimulants researcher shall, in case he has discontinued research work which requires use of stimulants in the research institution concerned, give notice to the Governor of the Prefecture wherein the research institute is located, accompanied with his designation card, within 15 days from the date of the discontinuation.

4. A successor or a liquidator or the juridical person who remains in existence after the amalgamation with another one or the new juridical person established as a result of the amalgamation shall give notice of it under the preceding three paragraphs in case where a stimulants manufacturer, proprietor of a stimulants administering institution, or stimulants researcher has been deceased or has been dissolved.

(Return and Submission of Designation Card)

Article 10. In case where the designation of a stimulants manufacturer, stimulants administering institution, or a stimulants researcher has become null and void (except these cases provided for in the preceding article), the person who was the stimulants manufacturer shall return the designation card to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein the manufactory is located, and the person who was the proprietor of a stimulants administering institution or the stimulants researcher shall return the designation card

to the Governor of the Prefecture wherein the hospital or clinic or the research institution is located, within 15 days from the day of the lapse of the designation.

2. In case where a stimulants manufacturer has been subjected to the disposition of suspension of business under the provision of Paragraph 1 of Article 8 or Paragraph 1 of Article 75 of the Pharmaceutical Affairs Law, he shall submit the designation card to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein his manufactory is located, within 15 days from the day of the disposition; in case where a proprietor of a stimulants administering institution has been subjected to the disposition of the closing order under the provision of Article 29 of the Medical Care Law, he shall submit the designation card to the Governor of the Prefecture wherein the hospital or clinic is located, within 15 days from the day of the disposition; or in case where a stimulants researcher has been subjected to the disposition of suspension of research work under the provision of Paragraph 1 of Article 8, he shall submit the designation card to the Governor of the Prefecture wherein his research institution is located within 15 days from the day of the disposition.

3. In any of the cases provided for in the preceding paragraph, the Minister of Health, Labour and Welfare or the Governor of the Prefecture shall enter the points of the disposition in the designation card and return it to the stimulants manufacturer, the proprietor of a stimulants administering institution, or the stimulants researcher without undue delay after expiration of the term of suspension of business, the term of closing, or the term of suspension of research work.

(Reissue of Designation Card)

Article 11. A stimulants manufacturer shall, in case the designation card has been damaged or lost, make an application for reissue of the designation card to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein the manufactory is located, and to the Governor of the Prefecture wherein the hospital or clinic or the research institution is located in the case of a proprietor of a stimulants administering institution or stimulants researcher.

2. A stimulants manufacturer shall, in case the lost designation card has been found after the application for its reissue was made, return the found designation card within 15 days to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein the manufactory is located, and to the Governor of the Prefecture wherein the hospital or clinic or the research institution is located in the case of a proprietor of a stimulants administering institution or stimulants researcher.

(Notification of Alteration of Name or Address, etc.)

Article 12. A stimulants manufacturer shall, in case where he has altered his name (if he is a juridical person, its appellation) or address or the name of his manufactory, give notice to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein the manufactory is located, accompanied with his designation card within 15 days.

2. A proprietor of a stimulants administering institution shall, in case where the name of the stimulants administering institution has been altered, give notice to the Governor of the Prefecture wherein the hospital or clinic is located, accompanied with his designation card within 15 days.

3. A stimulants researcher shall, in case where his name or address or the name of the research institution has been altered, give notice to the Governor of the Prefecture wherein the research institution is located, accompanied with his designation card within 15 days.

4. In any of the cases provided for in the preceding three paragraphs, the Minister of Health, Labour and Welfare or the Governor of the Prefecture shall renew the designation card and issue it without undue delay.

CHAPTER III

PROHIBITIONS AND RESTRICTIONS

(Prohibition of Import and Export)

Article 13. No person shall import or export stimulants.

(Prohibition of Possession)

Article 14. No person other than a stimulants manufacturer, proprietor and administrator of a stimulants administering institution, medical practitioner engaged in treatment at a stimulants administering institution, stimulants researcher as well as a person who has been supplied stimulants for administering by a medical practitioner engaged in treatment at a stimulants administering institution or by a stimulants researcher shall possess stimulants.

2. The provision[s] of the preceding paragraph shall not apply to any of the following items:

- (1) In case where an assistant engaged in business under the superintendence of a person who is a stimulants manufacturer, administrator of a stimulants administering institution, medical practitioner engaged in treatment at a stimulants administering institution or stimulants researcher possesses stimulants for the purpose of performing its business;
- (2) In case where a person engaged in the business of transportation of letters of correspondence provided for in Paragraph 2 of Article 2 of the Law Concerning Postal Service and Delivery of Correspondence by Private Business (Law No. 99 of 2002) (referred to as "letters of correspondence" in Paragraph 5 of Article 24 and Item (10) of Article 30-7) or things possesses stimulants for the purpose of performing his business, when a stimulants manufacturer transfers stimulants to a stimulants administering institution or stimulants researcher or shifts custody of stimulants;
- (3) In case where a person who takes care of a subject who is supplied stimulants for administering by the medical practitioner engaged in treatment at a stimulants administering institution possesses the stimulants for that subject;
- (4) In case where a person possesses stimulants with respect to an act conducted in accordance with laws and ordinances.

(Prohibition and Restriction of Manufacture)

Article 15. No person shall manufacture stimulants except in the case where the stimulants manufacturer manufactures for the purpose of his business acid in the case where the stimulants researcher manufactures for scientific research under the permission of the Minister of Health, Labour and Welfare.

2. A stimulants researcher who wishes to apply for permission to manufacture stimulants under the preceding paragraph shall submit a written application to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein the said researcher's research

institution is located, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

3. The Minister of Health, Labour and Welfare may fix the amount of stimulants to be manufactured by each stimulants manufacturer in each period from January to March, April to June, July to September, and October to December.

4. No stimulants manufacturer shall manufacture stimulants in excess of the amount of stimulants fixed by the Minister of Health, Labour and Welfare in accordance with the provision of the preceding paragraph.

(The Administrator of the Stimulants Administering Institution)

Article 16. The affairs with regard to receipt of stimulants to be administered in a stimulants administering institution and the management of the stimulants received by such institution shall be performed by the administrator of such institution.

2. A proprietor of a stimulants administering institution shall have an administrator of the stimulants administering institution in charge of the affairs concerning receipt of stimulants, and the management of the stimulants received.

(Restriction and Prohibition of Transfer and Receipt)

Article 17. No stimulants manufacturer shall transfer the stimulants manufactured by him to any person other than a stimulants administering institution or a stimulants researcher.

2. No stimulants administering institution nor stimulants researcher shall receive stimulants from any person other than a stimulants manufacturer.

3. No person shall transfer or receive stimulants except in the cases provided for in the preceding two paragraphs and the case where a medical practitioner engaged in treatment at a stimulants administering institution or a stimulants researcher supplies stimulants for administering.

4. The provisions of the preceding three paragraphs shall not apply to a case where stimulants is transferred or received with respect to an act conducted in accordance with laws and ordinances and to a case where the stimulants is transferred or received by a stimulants researcher under the permission of the Minister of Health, Labour and Welfare.

5. A stimulants researcher who wishes to apply for permission for the transfer or receipt of stimulants under the preceding paragraph shall submit a written application to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein such researcher's research institution is located, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

(Certificate of Transfer and Certificate of Receipt)

Article 18. In case where a person transfers or receives stimulants (excluding the case where a medical practitioner engaged in treatment at a stimulants administering institution or a stimulants researcher supplies stimulants for administering), the transferor shall issue to the other party the certificate of transfer made out by him pursuant to the provisions of the Ministry of Health, Labour and Welfare Ordinance, and the transferee shall issue to the other party the certificate of receipt made out by him pursuant to the provision of the afore-mentioned Ordinance.

2. The transferee provided for in the preceding paragraph may, instead of issuing the certificate of receipt as provided for in the preceding paragraph, with the permission of the other party, provide the information to be contained in such certificate of receipt by any means specified in the Ministry of Health, Labour and Welfare Ordinance, using an electronic information processing system or any other info-communications technology in accordance with the provisions of the Government Ordinance. In this case, the transferee shall be deemed to have issued the certificate of receipt.

3. A person, who has received the certificate of receipt or certificate of transfer in accordance with the provision of the first paragraph or by any means provided for in the former clause of the preceding paragraph, shall preserve the certificate of receipt or certificate of transfer, or an electromagnetic record (any record that is produced by electronic means, magnetic means or any other means imperceptible by human beings and is specified by the Ministry of Health, Labour and Welfare Ordinance to be used for the purpose of information processing by computers; hereinafter the same) produced by the afore-mentioned means for 2 years as from the date of the receipt or the date of the transfer of such stimulants.

4. The certificate of transfer, the certificate of receipt or the electromagnetic record provided for in the preceding paragraph shall not be transferred to any other person except in the case under the provision of Paragraph 1 or Paragraph 2.

(Prohibition of Use)

Article 19. No person shall use stimulants other than a case where comes under any of the following items:

- (1) Where a stimulants manufacturer uses stimulants for the purpose of manufacture;
- (2) Where a medical practitioner engaged in treatment at a stimulants administering institution or the stimulants researcher administers;
- (3) Where a stimulants researcher uses stimulants for scientific researches;
- (4) Where a person who has been supplied stimulants for administering by a medical practitioner engaged in treatment at a stimulants administering institution or the stimulants researcher;
- (5) Where stimulants is used with respect to an act conducted in accordance with laws and Ordinances.

(Restrictions of Administering)

Article 20. A medical practitioner engaged in treatment at a stimulants administering institution shall not administer or supply for administering any stimulants other than those taken charge of by an administrator of a stimulants administering institution where he is engaged in treatment.

2. The medical practitioner mentioned in the preceding paragraph shall not administer or supply for administering stimulants for other purposes than medical treatment 01'a person other than himself.

3. The medical practitioner mentioned in Paragraph 1 shall not administer or supply for administering stimulants to a stimulant addict for the purpose of releasing or treatment of his addiction.

4. In case where a medical practitioner provided for in Paragraph 1 supplies stimulants for administering, he shall deliver to the recipient, at the time of supplying the stimulants, a document with the inscription of the address, name, and age of the person to whom the stimulants is supplied for administering, the method and the period for administering, and his signature affixed thereon.
5. A stimulants researcher shall not administer stimulants nor supply them for administration to any person for scientific research unless he/she has obtained the permission of the Minister of Health, Labour and Welfare.
6. A stimulants researcher who wishes to apply for permission for the administration or supply of stimulants under the preceding paragraph shall submit a written application to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein such researcher's research institution is located, in accordance with the provisions of the Ministry of health, Labour and Welfare Ordinance.
7. The provision of Paragraph 4 shall apply *mutatis mutandis* to the case where the stimulants researcher supplies stimulants for administering.

(Restriction of Advertisement)

Article 20-2. No person shall be permitted to make advertisements on stimulants, unless they are made in a newspaper or in a magazine carrying article concerning to medical, pharmaceutical or scientific affairs for the persons concerned with medical or pharmaceutical affairs, etc. (signifying medical and pharmaceutical professionals and researchers of natural science, and hereinafter referred to as such in this article), or in other publications which are primarily intended for persons concerned with medical or pharmaceutical affairs, etc.

CHAPTER IV HANDLING

(Sealing by Certificate Stamp)

- Article 21.** A stimulants manufacturer shall put the stimulants manufactured in a container and seal it with a certificate stamp issued by the Government as provided by the Ministry of Health, Labour and Welfare Ordinance.
2. The stimulants manufacturer, stimulants administering institution, and stimulants researcher shall not transfer or receive stimulants unless it is sealed in accordance with the provision of the preceding paragraph.
 3. The provision of the preceding paragraph shall not apply to the case where stimulants is transferred or received with respect to an act conducted in accordance with laws and ordinances.

(Custody and Shift of Custody)

Article 22. A stimulants manufacturer, administrator of a stimulants administering institution, or a stimulants researcher shall take custody of the stimulants he possesses or manages in his manufactory, hospital or clinic, or research institution. However, in the case where the stimulants manufacturer has established a business office for the custody of stimulants (hereinafter referred to as "the stimulants custody office") and notified to the Minister of Health, Labour and Welfare

through the Governor of the Prefecture wherein the business office concerned is located, he may take custody of the stimulants he possesses at the stimulants custody office, and may shift custody of them between the manufactory and the stimulants custody office or the stimulants custody offices themselves.

2. The stimulants custody office mentioned in the proviso in the preceding paragraph shall be a business office of the stimulants manufacturer and have a pharmacist stipulated in the Pharmaceutical Affairs Law.
3. The custody mentioned in Paragraph 1 shall be done in a locked, strongly built place.

(Destruction)

Article 22-2. In case where a stimulants manufacturer, proprietor of a stimulants administering institution, or a stimulants researcher intends to destroy the stimulants he possesses, he shall notify to the Governor of the Prefecture wherein his manufactory (the stimulants custody office, in case where the stimulants is in the custody of stimulants custody office), the hospital or clinic, or the research institution is located, and implement the destruction in the presence of the competent official.

(Report of Incidents)

Article 23. A stimulants manufacturer, administrator of a stimulants administering institution, or a stimulants researcher shall, in case of loss, theft or disappearance has occurred in respect to stimulants which he has possessed or taken charge of, promptly report the name and quantity of the stimulants, and other information necessary for making the circumstances of the incident clear to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein his manufactory (the stimulants custody office, in case where the stimulants is in the custody of stimulants custody office) is located, or to the Governor of the Prefecture wherein his hospital or clinic or his research institution is located in the case of the proprietor of a stimulants administering institution or stimulants researcher.

(Measures to be Taken in Case of the Invalidation of Designation)

Article 24. In case where the designation of a stimulants manufacturer, stimulants administering institution, or a stimulants researcher has become null and void (or in case where an action of rejection has taken place with regard to the application for designation prescribed in case such application for designation was made in accordance with the provision of the following article), the person who was a stimulants manufacturer, proprietor of a stimulants administering institution, or a stimulants researcher shall report the name and quantity of the stimulants which were in his possession when the designation became null and void to the Minister of Health, Labour and Welfare through the Prefecture wherein his manufactory (the stimulants custody office, in case where the stimulants are in the custody of stimulants custody office) is located, or to the Governor of the Prefecture wherein his hospital or clinic or his research institute is located in case where he is the proprietor of a stimulants administering institution or stimulants researcher, within 15 days from the date on which the designation became null and void (or from the day which the action of rejection has taken place with regard to the application for designation prescribed in case such application for designation was made, and referred to as such in this article).

2. In any of the cases provided for in the preceding paragraph, the person who was a stimulants manufacturer, proprietor of a stimulants administering institution, or a stimulants

researcher shall transfer the stimulants in his possession to any other stimulants manufacturer, stimulants administering institution or stimulants researcher within 30 days from the date on which the designation became null and void, and shall report the name and quantity of the stimulants transferred as well as the name (the appellation, in case of a juridical person) and address of the transferee to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein his manufactory (the stimulants custody office, in case where the stimulants is in the custody of stimulants custody office) is located, or to the Governor of the Prefecture wherein his hospital, clinic or his research institution is located in case where he is the proprietor of such stimulants administering situation or the stimulants researcher.

3. In case that the person who was a stimulants manufacturer, proprietor of a stimulants administering institution, or a stimulants researcher has failed to transfer the stimulants concerned within the period prescribed in the preceding paragraph, he shall request the presence of the competent official, and dispose of the stimulants in accordance with the instruction of the authorities without undue delay.

4. The report under the provision of Paragraph 1, the transfer and report under the provision of Paragraph 2 as well as the disposal under the provision of the preceding paragraph shall, in case the person who was a stimulants manufacturer, proprietor of a stimulants administering institution, or a stimulants researcher has been deceased or has been dissolved, be made by the successor or by the liquidator or juridical person who remains in existence after the amalgamation with another one or new juridical person established as a result of the amalgamation.

5. In any of the cases provided for in the preceding three paragraphs, the provision of Paragraph 1 of Article 14 (Prohibition on Possession) shall not apply to a person who was the stimulants manufacturer, the proprietor of a stimulants administering institution, the stimulants researcher, and the successor and the liquidator or juridical person who remains in existence after the amalgamation with another one or new juridical person established as a result of the amalgamation during the period from the date on which the designation became null and void to the time when the transfer or disposal under the provisions of the same paragraphs takes place. In this case, the provision of Item (1) of Paragraph 2 (Exceptions to prohibition on possession) of the same article and the provision of Item (2) of the same paragraph shall apply *mutatis mutandis* respectively to their assistants engaged in business and to the person engaged in business of postal service, or transportation of letters of correspondence or things.

6. The provisions of Article 17 and paragraph 2 of Article 21 shall not apply to the case of Paragraph 2 and Paragraph 4.

(Special Provision for Redesignation)

Article 25. In case where a person who was the stimulants manufacturer, the proprietor of a stimulants administering institution, or the stimulants researcher has applied for redesignation as a stimulants manufacturer, stimulants administering institution or stimulants researcher before the expiration of the term of validity of designation stipulated in Article b or within 30 days after the expiration of the term of validity of designation, the provisions of Paragraph 1 of Article 14 and the preceding article shall not apply to any of those persons and a person who was the administrator of the stimulants administering institution until the disposition of permission or refusal of the application has been decided by the Minister of Health, Labour and Welfare or the Governor of the Prefecture.

Article 26. Deleted. (Law No. 114 of 1973)

(Disposal of Stimulants Reverted to the National Treasury)

Article 27. The Minister of Health, Labour and Welfare may make necessary disposition in respect to the stimulants which have been reverted to the national treasury in accordance with the provisions of laws and ordinances in order to achieve the objective of this Law.

CHAPTER V

RECORD AND REPORT CONCERNING BUSINESS

(Book)

Article 28. A stimulants manufacturer, administrator of a stimulants administering institution and a stimulants researcher shall keep a book at each manufactory, stimulants custody office, hospital or clinic, or research institution and shall enter the following matters:

- (1) The name and quantity as well as the date of stimulants manufactured, transferred, received, whose custody shifted, administered, supplied for administering or used for scientific research;
- (2) The name (the appellation in case of a juridical person) and address as well as the appellation and location of the manufactory, the stimulants custody office, the stimulants administering institution or the research institution of the other party of transfer or receipt;
- (3) The name and quantity of the stimulants reported under the provision of Article 23;

2. Any person mentioned in the preceding paragraph shall preserve the book mentioned in the same paragraph for 2 years from the date of the final entry.

(Report by Stimulants Manufacturer)

Article 29. A stimulants manufacturer shall report to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein the manufactory is located on the following matters within 15 days after the expiration of each quarter, from January to March, from April to June, from July to September, and from October to December:

- (1) The name, quantity, and place of custody of the stimulants possessed at the beginning of the quarter;
- (2) The name and quantity of the stimulants manufactured during the quarter;
- (3) The name and quantity of the stimulants transferred during the quarter;
- (4) The name, quantity and place of custody of the stimulants possessed at the end of the quarter.

(Report by Administrator of a Stimulants Administering Institution or Stimulants Researcher)

Article 30. An administrator of a stimulants administering institution or a stimulants researcher shall report every year by December 15 to the Governor of the Prefecture wherein the hospital or clinic, or the research institution is located, the name and quantity of the stimulants received, administered, supplied for administering, or used or manufactured for scientific research during the period from the date of designation (December 1 of the year following the year of the designation, or of the preceding year in case where the application made under Article 25 has been permitted) to November 30 of the same year as well as the name and quantity of the stimulants managed or possessed on November 30 of the same year.

CHAPTER V-2

DESIGNATION, NOTIFICATION, RESTRICTION, PROHIBITION, AND HANDLING CONCERNING STIMULANTS RAW MATERIAL

(Requirements for Designation)

Article 30-2. The designation of a stimulants raw material importer, stimulants raw material exporter, or a stimulants raw material manufacturer shall be granted by the Minister of Health, Labour and Welfare with respect to each place of business or manufactory, and that of a stimulants raw material handler or a stimulants raw material researcher shall be granted by the Governor of the Prefecture wherein the place of business or research institution concerned is located with respect to each place of business or research institution, to a person recognized as proper from among those who have the qualifications mentioned in the following items, as provided by the Ministry of Health, Labour and Welfare Ordinance.

- (1) With regard to the stimulants raw material importer, a person who is the pharmaceutical manufacturer/seller, or who intends to engage in professional import of stimulants raw materials, or who needs to import stimulants raw materials for his business;
- (2) With regard to the stimulants raw material exporter, a person who is licensed to establish a pharmacy (hereinafter referred to as "the pharmacy proprietor") under the provision of Paragraph 1 of Article 4 of the Pharmaceutical Affairs Law, or who is the pharmaceutical manufacturer/seller, or who has obtained the license for sale of drugs as a first-class drug seller or a second-class drug seller in accordance with the provision of Paragraph 1 of Article 26 (License for Sale of Drugs) or of Paragraph 1 of Article 28 (License for Pharmacy) of the same Law (hereinafter referred to as "drug seller" in this article) or who intends to engage in professional export of stimulants raw materials;
- (3) With regard to the stimulants raw material manufacturer, a person who is the pharmaceutical manufacturer/seller, or who intends to engage in professional manufacture of stimulants raw materials, or who needs to manufacture stimulants raw materials for his business;
- (4) With regard to the stimulants raw material handler, a person who is the pharmacy proprietor, the pharmaceutical manufacturer/ seller, or the drug seller, or the person who intends to engage in professional transfer of stimulants raw materials, or who needs to use stimulants raw materials for his business;
- (5) With regard to the stimulants raw material researcher, a person who has sufficient knowledge of stimulants raw materials and needs to manufacture or use such materials for scientific research;

(Cancellation of Designation and Suspension of Business, etc.)

Article 30-3. In case where a stimulants raw material importer, stimulants raw material exporter, stimulants raw material manufacturer, stimulants raw material handler, or a stimulants raw material researcher has violated the provisions of this Law or disposition, conditions attached to designation or permission based on the provisions of this Law, the Minister of Health, Labour and Welfare may cancel the designation or order the suspension of business or research work concerning stimulants raw materials by fixing the period for the suspension in the case of such importer, exporter or manufacturer, and the Governor of the Prefecture may do the same in the case of such handler or researcher.

2. Paragraph 2 of Article 8 (Exceptions to the Hearing Methods) shall apply in regard to disposition to be made under the preceding paragraph.

(Notification of Discontinuation of Business, etc.)

Article 30-4. In case where a stimulants raw material importer, has discontinued the business of importing stimulants raw materials at his place of business, a stimulants raw material exporter has discontinued the business of exporting stimulants raw materials at his place of business, a stimulants raw material manufacturer has discontinued the business of manufacturing stimulants raw materials at his manufactory, a stimulants raw material handler has discontinued business of transfer or use of stimulants raw materials at his place of business, and a stimulants raw material researcher has discontinued the research work that requires the manufacture or use of stimulants raw materials at his research institution, the stimulants raw material importer, the stimulants raw material exporter, or the stimulants raw material manufacturer shall give notice to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein his place of business or manufactory is located, accompanied with his designation card within 15 days from the date of discontinuation concerned, and the stimulants raw material handler or the stimulants raw material researcher shall give notice to the Governor of the Prefecture wherein his place of business or research institution is located, accompanied with his designation card within 15 days from the date of discontinuation concerned.

2. The notification under the preceding paragraph shall, in a case where the stimulants raw material importer, the stimulants raw material exporter, the stimulants raw material manufacturer, the stimulants raw material handler, or the stimulants raw material researcher has been deceased or has been dissolved, be given respectively by a successor or a liquidator or a juridical person who remains in existence after the amalgamation with another one or new juridical person established as a result of amalgamation.

(Provisions Applicable *Mutatis mutandis* with Regard to Designation and Notification)

Article 30-5. The provisions from Article 4 through Article 7 and those from Article 10 through Article 12 shall apply *mutatis mutandis* to the stimulants raw material importer, the stimulants raw material exporter, the stimulants raw material manufacturer, the stimulants raw material handler, and the stimulants raw material researcher.

In such cases, the following words, namely,

- a) "stimulants manufacturer",
- b) "stimulants administering institution (excluding the case provided for in Paragraph 2 of Article 12)" and "proprietor of a stimulants administering institution",
- c) "stimulants researcher",
- d) "manufactory" in Paragraph 1 of Article 4, in Paragraph 2 of Article 5, in Paragraphs 1 and 2 of Article 10, in Article 11, and in Paragraph 1 of Article 12,
- e) "hospital or clinic" in Paragraph 2 of Article 4, in Paragraph 2 of Article 5, in Paragraphs 1 and 2 of Article 10, in Article 11, and in Paragraph 2 of Article 12,
- f) "stimulants manufacturer" in Paragraph 1 of Article 5,
- g) "proprietor of the stimulants administering institution" in the same article,
- h) "the next year" in Article 6,

- i) "Article 9" appearing in Article 7 and "the preceding article" in Paragraph 1 of Article 10,
- j) "provision of Paragraph 1 of Article 8 or of Paragraph 1 of Article 75 of the Pharmaceutical Affairs Law" and "the provision of Paragraph 1 of Article 8" in Paragraph 2 of Article 10,
- k) "disposition of the closing order under the provision of Article 29 of the Medical Care Law" in Paragraph 2 of Article 10,
- l) "the term of suspension of business, the term of closing" in Paragraph 3 of Article 10,
- m) "the name of the stimulants administering institution" in Paragraph 2 of Article 12,

shall read as follows respectively:

- a) "stimulants raw material importer, stimulants raw material exporter, or stimulants raw material manufacturer",
- b) "stimulants raw material handler",
- c) "stimulants raw material researcher",
- d) "place of business or manufactory",
- e) "place of business",
- f) "stimulants raw material importer, stimulants raw material exporter, or stimulants raw material manufacturer",
- g) "stimulants raw material handler",
- h) "the year to which the day which comes after 4 years starting from the day of designation belongs",
- i) "Article 30-4",
- j) "provision of Paragraph 1 of Article 30-3",
- k) "disposition of suspension of business under the provision of Paragraph 1 of Article 30-3",
- l) "the term of suspension of business",
- m) "the name (the appellation in the case of a juridical person) or the address or the appellation of the place of business."

(Restriction and Prohibition of Import and Export)

Article 30-6. No person shall import stimulants raw material except in the case where a stimulants raw material importer imports it for his business under the permission of the Minister of Health, Labour and Welfare and in accordance with the Ministry of Health, Labour and Welfare Ordinance.

2. No person shall export stimulants raw material except in the case where a stimulants raw material exporter exports it for his business under the permission of the Minister of Health, Labour and Welfare and in accordance with the Ministry of Health, Labour and Welfare Ordinance.

3. A stimulant raw material importer or a stimulant raw material exporter who wishes to apply for permission for the import or export of stimulant raw materials under the preceding two paragraphs shall submit a written application to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein his/her place of business is located, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

(Indication for Export)

Article 30-6-2. A stimulants raw material exporter shall not falsely indicate the name and quantity of stimulants raw material he intends to export.

(Prohibition of Possession)

Article 30-7. No person shall possess stimulants raw material other than a case where comes under any of the following items:

- (1) Where a stimulants raw material importer possesses it for his business;
- (2) Where a stimulants raw material exporter possesses it for his business;
- (3) Where a stimulants raw material manufacturer or stimulants manufacturer possesses it for his business;
- (4) Where a stimulants raw material handler possesses it for his business;
- (5) Where a stimulants raw material researcher or stimulants researcher possesses it for scientific research;
- (6) Where a proprietor of a hospital or clinic, a medical practitioner or dental practitioner prescribed in Paragraph 1 of Article 5 of the Medical Care Law (hereinafter referred to as the "visiting doctor, etc.") or a proprietor (including a veterinarian who himself is engaged in the business of treatment of animals solely by visiting. The same shall apply hereinafter.) of a veterinary clinic for animals (signifying the treatment facilities defined in the provisions of Paragraph 2 of Article 2 of the Veterinary Practice Law (Law No. 46 of 1992), including the address of those who have a veterinarian engaged in the business of treatment of animals solely by visiting. The same shall apply hereinafter) possesses the stimulants raw material qua medicine for the purpose of his business;
- (7) Where a pharmacy proprietor possesses stimulants raw material qua medicine which has been dispensed by a pharmacist in accordance with a prescription issued by a medical practitioner, dental practitioner or veterinarian, or stimulants raw material qua medicine for the purpose of dispensing thereof;
- (8) Where a pharmacist who is engaged in dispensing drugs at a pharmacy, hospital, or clinic, an administrator of a hospital or clinic, a medical practitioner who is engaged in treatment at a hospital or clinic, a dental practitioner or an administrator defined in the provisions of Paragraph 2 of Article 5 of the Veterinary Practice Law (including the case to which the provision applies *mutatis mutandis* under the provisions of Paragraph 2 of Article 7) (hereinafter referred to as the "administrator of veterinary clinic for animals"), or a veterinarian (limited to a veterinarian who is a proprietors of a veterinary clinic for animals who is employed by the proprietor of such a veterinary clinic for animals. The same shall apply hereinafter) who is engaged in treatment of animals, or (defined in the provisions of Paragraph 1 of Article 2 of the Law. The same shall apply hereinafter) possesses stimulants raw materials qua medicine for the purpose of his business;
- (9) Where an assistant with regard to the business of the person prescribed in each of the preceding items possesses stimulants raw material for such business;
- (10) Where a person engaged in the business of postal service, or transportation of letters of correspondence or things possesses stimulants raw material out of necessities of performing his business;

- (11) Where a person who has been supplied stimulants raw material qua medicine for administering by a medical practitioner engaged in treatment at a hospital or clinic, by a dental practitioner, by a visiting doctor, etc., or by a veterinarian who is engaged in treatment at a veterinary clinics for animals, possesses the stimulants raw material supplied, or where a person who cares for another person who is supplied the stimulants raw material for administering possesses it in lieu of such another person;
- (12) Where a person who has received a prescription issued by a medical practitioner, dental practitioner or a veterinarian possesses stimulants raw material qua medicine and which has been dispensed by a pharmacist in accordance with the prescription, and where a person who cares for another person who has received such prescription possesses stimulants raw material qua medicine dispensed by a pharmacist in accordance with the prescription concerned in lieu of such another person;
- (13) Where stimulants raw material is possessed with respect to an act conducted in accordance with laws and ordinances.

(Prohibition of Manufacture)

Article 30-8. No person shall manufacture stimulants raw material other than a case where comes under any of the following items:

- (1) Where a stimulants raw material manufacturer or a stimulants manufacturer manufactures stimulants raw materials for his business;
- (2) Where a stimulants raw material researcher or a stimulants researcher manufactures stimulants raw materials for scientific research.

(Restriction and Prohibition of Transfer and receipt)

Article 30-9. No person shall transfer or receive stimulants raw material other than a case where comes under any of the following items:

- (1) Where a person prescribed in Item (1) through (5) of Article 30-7 transfers to or receives from each other among themselves stimulants raw materials for his business or scientific research;
- (2) Where a person prescribed in Item (6) or (7) of Article 30-7 receives stimulants raw materials which are drugs for his business from any of those prescribed in Item (1) or (3) through (5) of the same article;
- (3) Where a medical practitioner engaged in treatment at a hospital or clinic, dental practitioner, visiting doctor, etc., or a veterinarian engaged in treatment of animals supplies stimulants raw materials qua medicine for administering, and where a pharmacy proprietor or a proprietor of a hospital or clinic transfers stimulants raw materials qua medicine dispensed by a pharmacist in accordance with the prescription issued by a medical practitioner, dental practitioner or a veterinarian to the person who possesses the prescription;
- (4) Where a stimulants raw material importer or a stimulants raw material exporter imports or exports stimulants raw materials for his business under the permission of the Minister of Health, Labour and Welfare prescribed in Paragraph 1 or 2 of Article 30-6;
- (5) Where stimulants raw materials are transferred or received with respect to an act conducted in accordance with laws and ordinances.

(Certificate of Receipt and Certificate of Transfer)

Article 30-10. In case where a person transfers or receives stimulants raw materials (excluding the cases mentioned in Item (3) and (4) of the preceding article), the transferor shall issue to the other party the certificate of transfer made out by him pursuant to the provisions of the Ministry of Health, Labour and Welfare Ordinance, and the transferee shall issue to the other party the certificate of receipt made out by him pursuant to the provision of the afore-mentioned Ordinance.

2. The transferee provided for in the preceding paragraph may, instead of issuing the certificate of receipt as provided for in the preceding paragraph, with the permission of the other party, provide the information to be contained in such certificate of receipt by any means specified in the Ministry of Health, Labour and Welfare Ordinance, using an electronic information processing system or any other info-communications technology in accordance with the Government Ordinance. In this case, the transferee shall be deemed to have issued the certificate of receipt.

3. A person, who has received the certificate of receipt or certificate of transfer issued or provided in accordance with the provision of Paragraph 1 or an electromagnetic record produced by the relevant means if the means specified in the former clause of the preceding paragraph are employed, shall preserve the relevant certificate of receipt or certificate of transfer, or electromagnetic record for 2 years as from the date of the receipt or the date of the transfer of such stimulants raw material.

(Prohibition of Use)

Article 30-11. No person shall use stimulants raw material other than a case where comes under any of the following items:

- (1) Where any of those who are prescribed in Item (3) through (5) of Article 30-7 use such materials for his business or scientific researches;
- (2) Where a visiting doctor, etc., or any of those who are prescribed in Item (8) of Article 30-7 administer stimulants raw material qua medicine for his business or use them for dispensing;
- (3) Where a person who has received for administering stimulants raw materials which are drugs from a medical practitioner engaged in treatment at a hospital or clinic, dental practitioner, visiting doctor, etc., or a veterinarian engaged in treatment of animals, administers the stimulants raw materials. And in the case where the person who has been received a prescription issued by a medical practitioner, dental practitioner or a veterinarian received from a pharmacy proprietor, or a proprietor of a hospital or clinic and administers stimulants raw materials qua medicine dispensed by a pharmacist in accordance with the prescription;
- (4) Where it is used with respect to an act conducted in accordance with laws and ordinances.

(Custody)

Article 30-12. A person who comes under any of those prescribed in Item (1) through (7) of Article 30-7 (the administrator shall be such person with regard to a hospital or clinic, and the veterinary administrator shall be such person with regard to a veterinary clinic for animals. The same shall apply in Article 30-14) shall keep in custody stimulants raw material of his own or in his possession in his custody at the following places respectively:

- (1) With regard to the stimulants raw material importer, stimulants raw material exporter, stimulants raw material manufacturer, or stimulants manufacturer, at the place of business, or the manufactory or a place which has been notified in advance to the Minister of Health,

Labour and Welfare through the Governor of the Prefecture in accordance with the Ministry of Health, Labour and Welfare Ordinance;

- (2) With regard to the stimulants raw material handler, at the place of business or a place which has been notified in advance to the Governor of the Prefecture as provided by the Ministry of Health, Labour and Welfare Ordinance;
 - (3) With regard to the stimulants raw material researcher or the stimulants researcher, at the place of his research institution;
 - (4) With regard to the pharmacy proprietor, at the place of his pharmacy;
 - (5) With regard to the administrator of a hospital or clinic, at the place of his hospital or clinic. With regard to the visiting doctor, etc., at the place of his residence;
 - (6) With regard to the administrator of the veterinary clinic for animals, at the place of the institution. With regard to the veterinarian engaged in treatment of animals solely by visiting, at the place of his residence.
2. The custody prescribed in the preceding paragraph shall be done in a locked place.

(Destruction)

Article 30-13. In case where any of those persons who are prescribed in Item (1) through (7) of Article 30-7 intends to destroy the stimulants raw materials in his possession, he shall report to the Governor of the Prefecture wherein the place of custody for the stimulants raw materials concerned is located, and implement the destruction in the presence of competent authorities.

(Report of Incidents)

Article 30-14. Any of those persons who are prescribed in Item (1) through (7) of Article 30-7 shall, in case of loss, theft or disappearance has occurred in respect of the stimulants raw materials which he has possessed, promptly report the name and quantity of the stimulants raw materials concerned and other matters necessary for making the circumstances of the incident clear. In this case, any of those who are prescribed in Item (1) through (3) of the same article shall report to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein the place of custody for the stimulants raw materials concerned is located, while any of other persons shall report, to the Governor of the Prefecture wherein the place of custody for the stimulants raw materials concerned is located.

(Measures to be Taken in Case of Invalidation of Designation, etc.)

Article 30-15. Any of those who are prescribed in Item (1) through (7) of Article 30-7 (the administrator with respect to a hospital or clinic established by the State or a local public entity but the staff member designated by the proprietor in the case where there is no such administrator, and the veterinary administrator with respect to a veterinary clinic for animals established by the State or a local public entity) shall, when any of the cases provided for in the following items, report the name and quantity of the stimulants raw material which was in his possession within 15 days thereafter. In this case, any of those who are prescribed in Item (1) through (3) of the same article shall report to the Minister of Health, Labour and Welfare through the Governor of the Prefecture where the place of custody of the stimulants raw materials is located, while any of other persons shall report to the Governor of the Prefecture where the place of custody of the stimulants raw materials is located.

- (1) Where the designation of a stimulants raw material importer, stimulants raw material exporter, stimulants raw material manufacturer, stimulants manufacturer, stimulants raw material handler, stimulants raw material researcher, or a stimulants researcher has become null and void (or where the disposition of rejection was taken with regard to the application for designation proscribed in Article 25 (including the case where it is applied *mutatis mutandis* in Paragraph 1 of the following article) in the case that such application was made).
- (2) Where a pharmacy proprietor has discontinued his pharmacy, where the term of validity of the license has expired and the license has not been renewed, or where the license has been cancelled in accordance with the provision of Paragraph 1 of Article 75 of the Pharmaceutical Affairs Law.
- (3) Where a proprietor of a hospital or clinic has discontinued the hospital or clinic, or where the license for establishment of the hospital or clinic has been cancelled in accordance with the provision of Paragraph 1 of Article 29 of the Medical Care Law or where the visiting doctor, etc., has discontinued his practice of treatment.
- (4) Where a proprietor of a veterinary clinic for animals has closed the institution or discontinued the practice of treatment.

2. In the case of the preceding paragraph, the person who must make the report concerned shall transfer the stimulants raw materials which were in his possession to any of those persons who are prescribed in Item (1) through Item (7) of Article 30-7 within 30 days from the date of arising of the reasons mentioned in each item of the preceding paragraph, and shall report the name and quantity of the stimulants raw materials transferred by him and the name of the transferee (the appellation, if he is a juridical person) and the address to the Minister of Health, Labour and Welfare through Prefectural Governor or to Prefectural Governor in accordance with the provision of the preceding paragraph.

3. In case where the person provided for in the preceding paragraph has failed to transfer the stimulants raw materials concerned within the period prescribed in the preceding paragraph, he shall request the presence of the competent official, and dispose of the stimulants raw materials concerned in accordance with his instruction without undue delay.

4. The provision of Paragraph 4 of Article 24 shall be applied *mutatis mutandis* to the person who must make report or transfer or destruction or other dispositions in accordance with the provisions of the preceding three paragraphs with regard to the report, transfer, destruction and other dispositions as stipulated in the preceding three paragraphs, excepting the case where the proprietor of a hospital or clinic or a veterinary clinic for animals is the State or a local public entity with regard to Item (3) or (4) of Paragraph 1.

5. In the cases of the preceding three paragraphs, the provision of Article 30-7 shall not apply to the person who must make transfer or destruction or other dispositions of stimulants raw materials as provided by the provision of Paragraph 2 or 3, and the successor and the liquidator, or the juridical person which remains in existence after the amalgamation with another one or new juridical person established as a result of the amalgamation or the assistants in their business during the period from the date of arising of reasons mentioned in each item of Paragraph 1 to the time when the transfer or destruction or other disposal under the provisions of the preceding three paragraphs takes place.

6. In the cases provided in Paragraph 2 and 4, the provision of Article 30-9 shall not apply.

(Provisions to be Applied *Mutatis mutandis*)

Article 30-16. The provision of Article 25 shall apply *mutatis mutandis* to a stimulants raw material importer, stimulants raw material exporter, stimulants raw material manufacturer, stimulants raw material handler or a stimulants raw material researcher.

In these cases, the following words, namely,

- a) "a person who was the stimulants manufacturer",
- b) "proprietor of stimulants administering institution",
- c) "proprietor of stimulants administering institution",
- d) "stimulants researcher",
- e) "Article 6",
- f) "stimulants manufacturer",
- g) "stimulants administering institution or",
- h) "any of those persons and a person who was the administrator of the institution" and "Paragraph 1 of Article 14",

shall read as follows respectively:

- a) "a person who was the stimulants raw material importer, stimulants raw material exporter, or stimulants raw material manufacturer",
- b) "stimulants raw material handler",
- c) "stimulants raw material researcher",
- d) "Article 6 to be applied *mutatis mutandis* in Article 30-5",
- e) "stimulants raw material importer, stimulants raw material exporter, stimulants raw material manufacturer",
- f) "stimulants raw materials handlers or",
- g) "these persons and assistants in their business" and "Article 30-7".

2. The provision of Article 27 shall apply *mutatis mutandis* to stimulants raw materials.

(Book)

Article 30-17. Any of those provided for in Item (1) and Item (2) of Article 30-7 shall keep a book at each place of business and shall enter the following matters:

- (1) The name and quantity as well as the date of stimulants raw materials imported, exported, transferred or received;
- (2) Name and address of other party to import or export stimulants raw materials;
- (3) Name and quantity of stimulants raw materials reported under the provision of Article 30-14.

2. Any person mentioned in Items (3) through (5) of Article 30-7 shall keep a book at his place of business, manufacture or research work, and shall enter the following matters:

- (1) Name and quantity as well as the date of stimulants raw materials manufactured, transferred, received or used for the purpose of business or scientific research;
- (2) Name and quantity of stimulants raw materials reported under the provision of Article 30-14.

3. A person who comes under any of the preceding two paragraphs shall preserve the book mentioned in the preceding two paragraphs for 2 years from the date of the final entry.

CHAPTER VI

SUPERVISION

(Collection of Reports)

Article 31. The Minister of Health, Labour and Welfare or the Governor of the Prefecture may, in case he deems there are necessities in exercising control over stimulants or stimulants raw materials, collect necessary reports from a stimulants manufacturer, proprietor or administrator of a stimulants administering institution, stimulants researcher, any of those stipulated in Item (1) through (7) of Article 30-7 (including the administrator in case of a hospital or clinic and veterinarian administrator in case of a veterinary clinic) or any other person concerned.

(Entry Examination, Taking Away and Question)

Article 32. The Minister of Health, Labour and Welfare or the Governor of the Prefecture may, in case where he deems there are necessities in exercising control over stimulants, have the competent official enter manufactory or stimulants custody office of a stimulants manufacturer, hospital or clinic which is a stimulants administering institution, research institute of a stimulants researcher or any other places concerned with stimulants, examine books and other things, put a question to the stimulants manufacturer, proprietor and administrator of the stimulants administering institution, medical practitioner engaged in treatment at the stimulants administering institution, stimulants researcher or any other persons concerned, or remove, only in the minimum amount necessary for the identification, stimulants or any other substance suspected of being as such.

2. The Minister of Health, Labour and Welfare or the Governor of the Prefecture may, in case where he deems there are necessities in exercising control over stimulants raw materials, have the competent official enter a place, which comes under any of the items of Article 30-12 of a person who comes under any of the same items of the same article, (excluding the residence of the visiting doctor, etc., and of the veterinarian engaged in the treatment of animals solely by visiting), examine books and other things, put a question to any of those who are provided for in Item (1) through Item (7) of Article 30-7 and any other person concerned, or remove, only in the minimum amount necessary for the identification, stimulants raw material or any other substance suspected of being as such.

3. The provisions of the preceding two paragraphs shall not be interpreted as having been authorized for criminal investigation.

(Stimulants Inspector)

Article 33. Power of the competent official provided in Article 22-2, Paragraph 3 of Article 24, Article 30-13, Paragraph 3 of Article 30-15, and Paragraphs 1 and 2 of the preceding article, shall be exercised by a person who comes under any of the following items:

- (1) The person who has been designated by the Minister of Health, Labour and Welfare from among the narcotics control officers or pharmaceutical inspectors;

(2) The person who has been designated by the Governor of the Prefecture from among the prefectural narcotics control officials or pharmaceutical inspectors.

2. The person who has been designated under Items (1) or (2) of the preceding paragraph shall hold himself to be a stimulants inspectors.

3. The stimulants inspector shall, in case he attends the disposal of stimulants under the provision of Article 22-2 or Paragraph 3 of Article 24, or the disposal of stimulants raw materials under the provision of Article 30-13 or Paragraph 3 of Article 30-15, or in case he enters, examines, removes or puts questions under Paragraph 1 or 2 of the preceding article, shall have his identification certificate with him and present it on demand of the person concerned.

(Presentation of Opinion of the Governor of the Prefecture)

Article 34. The Governor of the Prefecture shall, in case he considers the disposition stipulated in Paragraph 1 of Article 8 or Paragraph 1 of Article 30-3 necessary with respect to the stimulants manufacturer, stimulants raw material importer, stimulants raw material exporter or stimulants raw material manufacturer, report to that effect to the Minister of Health, Labour and Welfare.

CHAPTER VII

MISCELLANEOUS PROVISIONS

(Conditions of Designation or Permission)

Article 34-2. Conditions may be attached to designation or permission granted under this Law, and such conditions may be altered.

2. The conditions of the preceding paragraph shall be limited to the minimum necessity for the purpose of preventing health and hygiene from harm caused by the abuse of stimulants or stimulants raw materials, and unfair duties shall not be imposed on those who obtain the designation or permission.

(Exemption for Stimulants, etc., Used for Criminal Identification)

Article 34-3. Notwithstanding the provisions of this Law, the Minister of Health, Labour and Welfare may import, manufacture or receive stimulants or stimulants raw materials to be used for criminal identification of stimulants or stimulants raw materials.

2. The Minister of Health, Labour and Welfare shall supply the stimulants or stimulants raw materials imported, manufactured or received in accordance with the provision of the preceding paragraph to national or prefectural organizations engaged in criminal identification of stimulants or stimulants raw materials.

3. The chief of the organization which has been supplied with the stimulants or stimulants raw material from the Minister of Health, Labour and Welfare in accordance with the provision of the preceding paragraph, shall keep a book and enter therein the names and quantities of stimulants or stimulants raw materials used for criminal identification of stimulants or stimulants raw materials, and the dates of use, and other matters provided in the Ministry of Health, Labour and Welfare Ordinance.

4. The Minister of Health, Labour and Welfare may, in case where he has received a request from the government of a foreign country to the effect that it intends to import stimulants or stimulants raw materials to be used for criminal identification of stimulants or stimulants raw materials, notwithstanding the provision of the Law, export to the government of the country concerned the stimulants or stimulants raw materials imported, manufactured or received in accordance with the provision of Paragraph 1 of this article, or the stimulants or stimulants raw materials reverted to the national treasury in accordance with the provisions of laws and ordinances.

(Procedure of Designation of Stimulants Administering Institution Established by the State or Prefecture)

Article 35. The Minister of Health, Labour and Welfare may, with respect to a hospital or clinic established by the State, make designation of a stimulants administering institution regardless of the provisions of the part concerning the person entitled to make the designation in Paragraph 1 of Article 3 or the provision of Paragraph 2 of Article 4 after consultation with the competent Minister.

2. The Governor of the Prefecture may, with respect to a hospital or clinic established by the Prefecture, make designation of a stimulants administering institution regardless of the provision of Paragraph 2 of Article 4.

3. The Minister of Health, Labour and Welfare shall, in cases where he has designated a hospital or clinic established by the State as a stimulants administering institution under Paragraph 1 herein, issue a designation card to the administrator of the administering institution concerned through the Governor of the Prefecture wherein the said institution is located, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

(Change of the Person Responsible for Notification, etc., in Stimulants Administering Institution Established by the State or Local Public Entity)

Article 36. With respect to a stimulants administering institution established by the State or by a local public entity, notification, return of the designation card and report mentioned in the following items shall be made by the administrator (the staff member designated by the proprietor in the case where there is no such administrator) of the administering institution concerned to the Minister of Health, Labour and Welfare through the Governor of the Prefecture wherein the hospital or clinic is located with respect to the stimulants administering institution established by the State and to the Governor of the Prefecture wherein the hospital or clinic is located with respect to the stimulants administering institution established by the local public entity.

- (1) The notification under the provision of Paragraph 2 of Article 9;
- (2) Return of the designation card under the provision of Paragraph 1 of Article 10;
- (3) Return of the old designation card under the provision of Paragraph 2 of Article 11;
- (4) The notification under the provision of Paragraph 2 of Article 12;
- (5) The report under the provisions of Paragraph 1 and Paragraph 2 of Article 24.

2. As to the stimulants administering institution established by the State or a local public entity, transfer or disposal of stimulants under the provision of Paragraph 2 or Paragraph 3 of Article 24 shall be made by the administrator (the staff member designated by the proprietor in the case where there is no such administrator) of the administering institution concerned.

3. To the case of the preceding paragraph, the provisions of Paragraph 5 and Paragraph 6 of Article 24 shall apply *mutatis mutandis*.

(Special Provision for Stimulants Administering Institution Established by the State)

Article 37. Other than those provided by this Law, special regulations necessary for the application of this Law to the stimulants administering institution established by the State shall be provided by Ministry of Health, Labour and Welfare Ordinance.

(Fee)

Article 38. Any person who falls under any of the following classifications shall pay to the State the fee specified by a Cabinet Ordinance in consideration of the actual expenses incurred through examination by the State:

- (1) A person who applies for designation as a stimulants manufacturer;
- (2) A person who applies for designation as a stimulant raw material importer;
- (3) A person who applies for designation as a stimulant raw material exporter;
- (4) A person who applies for designation as a stimulant raw material manufacturer;
- (5) A person who applies for reissue of the designation card of a stimulants manufacturer, a stimulant raw material importer, a stimulant raw material exporter, or a stimulant raw material manufacturer.

(Payment for Certificate Stamp)

Article 39. A person who requires a certification stamp provided for in Paragraph 1 of Article 21 shall pay to the national treasury the amount of money, as an equivalent value for the money fixed within the range of actual expense by the Ministry of Health, Labour and Welfare Ordinance.

Special Provision concerning Time-Limit in Case there is Agency through which (Procedures are made)

Article 40. With respect to notification, return or submission of designation card or report to the Minister of Health, Labour and Welfare through the Governor of the Prefecture under the provisions of this Law, in case the notification, designation card or report has been submitted to the Governor of the Prefecture within the time-limit fixed under the provision concerned, such an action shall be regarded as having been exercised within fixed time-limit.

(Classification of Affairs)

Article 40-2. The affairs to be administered by a prefecture under the provisions of Paragraph 1 of Article 4 (procedures concerning applications for designation) (including cases where this provision is applied *mutatis mutandis* in Article 30-5), Paragraph 2 of Article 5 (procedure concerning the issuance of designation cards) (including cases where this provision is applied *mutatis mutandis* in Article 30-5), Paragraph 1 of Article 9 (the procedure related to the notification of discontinuation of business, etc.), Paragraphs 1 (procedure concerning the return of designation cards) and 2 (procedure concerning the submission of designation cards) of Article 10

(limited to parts related to stimulants manufacturers, and including cases where these provisions are applied *mutatis mutandis* in Article 30-5), Paragraphs 1 (the procedure related to the reissue of a designation card) and 2 (procedure concerning the return of recovered designation cards) of Article 11 (limited to parts related to stimulants manufacturers, and including cases where these provisions are applied *mutatis mutandis* in Article 30-5), Paragraph 1 of Article 12 (procedure concerning the notification of alteration of name or address, etc.) (including cases where this provision is applied *mutatis mutandis* in Article 30-5), Paragraph 2 of Article 15 (procedure concerning applications for permission for manufacture), Paragraph 5 of Article 17 (procedure concerning applications for permission for transfers or receipts), Paragraph 6 of Article 20 (procedure concerning applications for permission for administration or supply), Paragraph 1 of Article 22 (procedure concerning the notification of a stimulants custody office), Article 22-2 (destruction), Article 23 (report of incidents), Paragraphs 1 (reports of the name and quantity of stimulants possessed when a designation becomes null and void) and 2 (transfer of stimulants possessed when a designation becomes null and void and report of details of the transfer) of Article 24, Article 29 (reports by stimulants manufacturers), Article 30 (reports by administrators of stimulants administering institutions or by stimulants researchers), Paragraph 1 of Article 30-4 (procedure concerning the notification of discontinuation of business, etc. of stimulant raw material importers, etc.) (limited to parts related to stimulant raw material importers or stimulant raw material exporters or stimulant raw material manufacturers), Paragraph 3 of Article 30-6 (procedure concerning applications for permission for the import and export of stimulant raw material), Items (1) (procedure concerning the notification of the place of storage of stimulant raw materials) and (2) (notification of the place of storage of stimulant raw materials) of Paragraph 1 of Article 30-12, Article 30-13 (destruction of stimulant raw materials), Article 30-14 (reports of incidents involving stimulant raw materials), Paragraphs 1 (reports of the name and quantity of stimulant raw materials possessed when a designation becomes null and void, etc.) and 2 (transfers of stimulant raw materials possessed when a designation becomes null and void, etc. and report of details of the transfer) of Article 30-15, Article 31 (collection of reports), Paragraphs 1 (entry examination, taking away, and question concerning stimulants) and 2 (entry examination, taking away, and question concerning stimulant raw materials) of Article 32, Paragraph 3 of Article 35 (procedure concerning the issuance of a designation card to a stimulants administering institution established by the State) and Paragraph 1 of Article 36 (procedure concerning the notification, etc. by a stimulants administering institution established by the State) shall fall under the Class A Statutory Delegated Affairs specified in Item (1) of Paragraph 9 of Article 2 of the Local Autonomy Law (Law No. 67 of 1947).

(Delegation of Authority)

Article 40-3. The authority of the Minister of Health, Labour and Welfare prescribed in this Law may be delegated to the Director General of a Regional Bureau of Health and Welfare, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

2. The authority delegated to the Director General of a Regional Bureau of Health and Welfare under the preceding paragraph may be delegated to the Director General of a branch of the Regional Bureau of Health and Welfare or to the Director General of a branch of a regional narcotics control office, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

(Transitional Measures)

Article 40-4. When a Cabinet Ordinance is enacted, amended or repealed in accordance with the provisions of this Law, necessary transitional measures (including those in regard to the penal

provisions) may be provided for in the Cabinet Ordinance in so far as such measures are deemed to be reasonably necessary in connection with such enactment, amendment or repeal.

CHAPTER VIII PENAL PROVISIONS

(Penalties)

Article 41. Any person who unlawfully imports to Japan or any other country, exports from Japan or any other country, or manufactures in Japan or any other country stimulants (excluding a person who comes under the provision of Item (2), Paragraph 1 of Article 41-5) shall be liable to penal servitude for a limited term not less than 1 year.

2. Any person who commits an offence prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude from 3 years to life inclusive or to both penal servitude from 3 years to life inclusive and a fine not exceeding 10,000,000 yen according to the circumstances.

3. An attempt to commit any of the offences prescribed in the preceding two paragraphs shall be liable to punishment.

Article 41-2. Any person who unlawfully possesses, transfers or receives stimulants (excluding a person who comes under the provision of Item (5) of Article 42) shall be liable to penal servitude not exceeding 10 years.

2. Any person who commits an offence prescribed in the preceding paragraph for the purpose shall be liable to penal servitude for a limited term not less than 1 year or to both penal servitude for a limited term not less than 1 year and a fine not exceeding 5,000,000 yen according to the circumstances.

3. An attempt to commit any of the offences prescribed in the preceding two paragraphs shall be liable to punishment.

Article 41-3. Any person who comes under any of the following items shall be liable to penal servitude not exceeding 10 years:

- (1) A person who violates the provision of Article 19;
- (2) A person who violates the provision of Paragraph 2 or 3 of Article 20;
- (3) A person who violates the provision of Article 30-6;
- (4) A person who violates the provision of Article 30-8.

2. Any person who commits an offence prescribed in the preceding paragraph, for the purpose of gain shall be liable to penal servitude for a limited term not less than 1 year or to both penal servitude for a limited term not less than 1 year and a fine not exceeding 5,000,000 yen according to the circumstances.

3. An attempt to commit any of the offences prescribed in the preceding two paragraphs shall be liable to punishment.

Article 41-4. Any person who comes under any of the following items shall be liable to penal servitude not exceeding 7 years:

- (1) A person who violates the provision of Paragraph 1 of Article 20;
- (2) A person who violates the provision of Paragraph 5 of Article 20;
- (3) A person who violates the provision of Article 30-7;
- (4) A person who violates the provision of Article 30-9;
- (5) A person who violates the provision of Article 30-11.

2. Any person who commits an offence prescribed in Items (2) through (5) of the preceding paragraph for the purpose of gain shall be liable to penal servitude not exceeding 10 years or to both penal servitude not exceeding 10 years and a fine not exceeding 3,000,000 yen according to the circumstances.

3. An attempt to commit any of the offences prescribed in Items (2) through (5) of Paragraph 1 and the preceding paragraph (limited to parts related to Items (2) through (5) of Paragraph 1) shall be liable to punishment.

Article 41-5. Any person who comes under any of the following items shall be liable to penal servitude not exceeding 3 years, or to a fine not exceeding 500,000 yen, or to both:

- (1) A person who violates the order of suspension of business or research work prescribed in the provision of Paragraph 1 of Article 8;
- (2) A person who violates the provision of Paragraph 4 of Article 15;
- (3) A person who violates the provision of Article 20-2;
- (4) A person who violates the order of suspension of business or research work prescribed in the provision of Paragraph 1 of Article 30-3.

2. An attempt to commit an offence prescribed in Item (2) of the preceding paragraph shall be liable to punishment.

Article 41-6. Any person who commits a preparatory act in connection with any of the offences prescribed in Paragraph 1 or 2 of Article 41 shall be liable to penal servitude not exceeding 5 years.

Article 41-7. Any person who commits a preparatory act in connection with any of the offences prescribed in Item (3) or (4) of Paragraph 1, or Paragraph 2 of Article 41-3 (limited to parts related to Item (3) or (4) of Paragraph 1 of the article) shall be liable to penal servitude not exceeding 5 years.

Article 41-8. The stimulants or stimulants raw materials possessed or owned by a criminal under the offences prescribed in articles 41 through 41-7 shall be liable to confiscation. However, in case it belongs to any other person than the criminal, the confiscation may be avoided.

2. Any ship, aircraft or motor vehicle used for transportation of stimulants in the course of committing any of the offences prescribed in the preceding paragraph (excluding the offences prescribed in Articles 41-3, 41-4, 41-5 and 41-7) shall be liable to confiscation.

Article 41-9. Any person who, with knowledge of the circumstances, provides the funds, land, building, ship, aircraft, motor vehicle, equipment, machinery, tools or raw material (excluding stimulants raw materials) required for the act of committing any of the offences prescribed in Paragraph 1 or 2 of Article 41 or transports, shall be liable to penal servitude not exceeding 5 years.

Article 41-10. Any person who, with knowledge of the circumstances, provides the funds, land, building, ship, aircraft, motor vehicle, equipment, machinery, tools or raw material required for the act of committing any of the offences prescribed in Item (3) or (4) of Paragraph 1 of Article 41-3 or Paragraph 2 of the article (limited to parts related to Item (c or (d of Paragraph 1 of the same article) or transports, shall be liable to penal servitude not exceeding 5 years.

Article 41-11. Any person who mediates to transfer or receive stimulants, under the offences prescribed in Article 41-2, shall be liable to penal servitude not exceeding 3 years.

Article 41-12. The provision of Article 2 of Penal Code shall apply to any of the offences prescribed in Articles 41, 41-2, 41-6, and 41-9, and the preceding article.

Article 41-13. Any person who mediates to transfer or receive the stimulants raw material prohibited under the provision of Article 30-9 shall be liable to penal servitude not exceeding 3 years.

Article 42. Any one who comes under any of the following items shall be liable to penal servitude not exceeding 1 year, or to a fine not exceeding 200,000 yen or to both:

- (1) A person who violates the provision of Paragraph 3 of Article 5;
- (2) A person who violates the provision of Article 16;
- (3) A person who fails to issue the certificate of transfer or the certificate of receipt or gives false description therein in contravention of the provision of Paragraph 1 of Article 18;
- (4) A person who violates the provision of Paragraph 3 of Article 18;
- (5) A person who violates the provision of Paragraph 1 or Paragraph 2 of Article 21;
- (6) A person who violates the provision of Article 22;
- (7) A person who violates the provision of Article 22-2;
- (8) A person who fails to submit the report or submits the false report in contravention of the provision of Article 23;
- (9) A person who fails to submit the report/ notification or submits the false report/notification in contravention of the provision of Paragraph 1, Paragraph 2, Paragraph 4 of Article 24 or the provision of Paragraph 1 of Article 36 concerning Paragraphs 1 and 2 of Article 24;
- (10) A person who violates the provision of Paragraph 3 or Paragraph 4 of Article 24 or the provision of Paragraph 2 of Article 36 concerning Paragraph 3 of Article 24;
- (11) A person who fails to keep a book, or makes no entry or false entries in the book in contravention of the provision of Paragraph 1 of Article 28;

- (12) A person who fails to submit the report, or submits the false report in contravention of the provision of Article 29;
- (13) A person who fails to submit the report, or submits the false report in contravention of the provision of Article 30;
- (14) A person who violates the provision of Paragraph 3 of Article 5 applied *mutatis mutandis* in Article 30-5;
- (15) A person who violates the provision of Article 30-6-2;
- (16) A person who fails to issue the certificate of transfer or the certificate of receipt or gives false description therein in contravention of the provision of Paragraph 1 of Article 30-10;
- (17) A person who violates the provision of Article 30-12;
- (18) A person who violates the provision of Article 30-13;
- (19) A person who fails to submit the report or submits false report in contravention of the provision of Article 30-14;
- (20) A person who fails to submit the report, or submits false report in contravention of the provision of Paragraph 1 or Paragraph 2 of Article 30-15 or Paragraph 4 of Article 24 applied *mutatis mutandis* in Paragraph 4 of Article 30-15;
- (21) A person who violates the provision of Paragraph 3 of Article-30-15 or Paragraph 4 of Article 24 applied *mutatis mutandis* in Paragraph 4 of Article 30-15;
- (22) A person who fails to keep a book, or makes no entry or false entries in the book in contravention of the provision of Paragraph 1 or 2 of Article 30-17;

Article 42-2. Any person who comes under any of the following items shall be liable to a fine of not exceeding 200,000 yen.

- (1) A person who violates the provision of Article 9 or the provision of Paragraph 1 of Article 36 concerning Paragraph 2 of Article 9;
- (2) A person who violates the provision of Paragraph 3 of Article 18 (Preservation of certificate of transfer, certificate of receipt and electromagnetic record);
- (3) A person who violates the provision of Paragraph 2 of Article 28;
- (4) A person who violates the provision of Article 30-4;
- (5) A person who violates the provision of Paragraph 3 of Article 30-10 (Preservation of certificate of transfer, certificate of receipt and electromagnetic record);
- (6) A person who violates the provision of Paragraph 3 of Article 30-17;
- (7) A person who fails to submit the report or submits the false report in contravention of the provision of Article 31;
- (8) A person who refuses, prevents or evades the entry examination or removal, or makes no answer to the question or makes false statements, under the provision of Paragraph 1 or 2 of Article 32;

(Administrative Penalty)

Article 43. Any person (the representative in case of a juridical person) who comes under any of the following items shall be liable to a non-penal fine not exceeding 100,000 yen:

- (1) A person who violates the provision of Paragraph 1 or Paragraph 2 of Article 10 or Paragraph 1 of Article 36 concerning Paragraph 1 of Article 10;
- (2) A person who violates the provision of Paragraph 2 of Article 11 or Paragraph 1 of Article 36 concerning Paragraph 2 of Article 11;
- (3) A person who violates the provision of Article 12 or Paragraph 1 of Article 36 concerning Paragraph 2 of Article 12;
- (4) A person who violates the provision of Paragraph 4 of Article 20 (including the case where this Provision is applied *mutatis mutandis* under the Provision of Paragraph 6 of the same article);
- (5) A person who violates the provision of Paragraph 1 or 2 of Article 10 applied *mutatis mutandis* in Article 30-5;
- (6) A person who violates the provision of Paragraph 2 of Article 11 applied *mutatis mutandis* in Article 30-5;
- (7) A person who violates the provision of [f] Article 12 applied *mutatis mutandis* in Article 30-5.

(Penalty for Actual Offender and His Employer)

Article 44. When any representative of a juridical person, any agent, employee or other person engaging in the business of a juridical person or natural person commits any of the offences, in connection with business activities of either the juridical person or natural person concerned, as prescribed in Paragraph 2 or 3 of Article 41, or Paragraph 2 or 3 of Article 41-2, or violates any of the provisions in Paragraph 2 or 3 of Article 41-3, Paragraph 2 or 3 of Article 41-4, Article 41-5, Article 42, or Article 42-2, such actor shall be liable to punishment as well as the juridical person or natural person concerned punished with a fine under an applicable article.

Table Stimulants Raw Material

1. 1-phenyl-2-methylaminopropanol-1, its salts and substances containing any quantity of them, provided, however, that substances containing not more than 10% of 1-phenyl-2-methylaminopropanol-1 shall be exempted.
2. 1-phenyl-1-chloro-2-methylaminopropane, its salts and substances containing any quantity of them.
3. 1-phenyl-2-dimethylaminopropanol-1, its salts and substances containing any quantity of them, provided, however, that substances containing not more than 10% of 1-phenyl-2-dimethylaminopropanol-1 shall be exempted.
4. 1-phenyl-1-chloro-2-dimethylaminopropane, its salts and substances containing any quantity of them.
5. 1-phenyl-2-dimethylaminopropane, its salts and substances containing any quantity of them.
6. Phenylacetic acid, its salts and substances containing any quantity of them, provided, however, that substances containing not more than 10% of phenylacetic acid shall be exempted.
7. Phenylacetoacetonitrile and substances containing any quantity of phenyl-acetoacetonitrile.
8. Phenylacetone and substances containing any quantity of phenylacetone.
9. Any substances which can be raw material of stimulants and is designated by the Cabinet Ordinance.

NARCOTICS AND PSYCHOTROPICS CONTROL LAW
(Law No. 14 of March 17, 1953)¹

Amendments:

- | | |
|-------------------------------------|--------------------------------------|
| 1. Law No. 71 of April 22, 1954 | 17. Law No. 46 of May 8, 1986 |
| 2. Law No. 163 of June 8, 1954 | 18. Law No. 98 of September 26, 1987 |
| 3. Law No. 65 of July 12, 1955 | 19. Law No. 22 of April 10, 1989 |
| 4. Law No. 145 of August 10, 1960 | 20. Law No. 33 of June 19, 1990 |
| 5. Law No. 108 of June 21, 1963 | 21. Law No. 93 of October 5, 1991 |
| 6. Law No. 57 of April 11, 1964 | 22. Law No. 45 of May 20, 1992 |
| 7. Law No. 111 of June 1, 1970 | 23. Law No. 46 of May 20, 1992 |
| 8. Law No. 28 of May 10, 1972 | 24. Law No. 89 of November 12, 1993 |
| 9. Law No. 103 of June 26, 1972 | 25. Law No. 97 of November 11, 1994 |
| 10. Law No. 27 of April 24, 1978 | 26. Law No. 94 of May 19, 1995 |
| 11. Law No. 55 of May 23, 1978 | 27. Law No. 105 of November 21, 1997 |
| 12. Law No. 45 of May 19, 1981 | 28. Law No. 87 of July 16, 1999 |
| 13. Law No. 83 of December 10, 1983 | 29. Law No. 151 of December 8, 1999 |
| 14. Law No. 23 of May 1, 1984 | 30. Law No. 160 of December 22, 1999 |
| 15. Law No. 37 of May 18, 1985 | 31. Law No. 126 of November 27, 2000 |
| 16. Law No. 90 of July 12, 1985 | 32. Law No. 87 of June 29, 2004 |

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¹ Note by the Secretariat: A prior version of this law was published under E/NL.1994/34.

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CHAPTER I GENERAL PROVISIONS

(Purpose)

Article 1. The purpose of this law is to promote the public welfare through preventing harm to health and hygiene caused by the abuse of narcotics and psychotropics by taking such measures as conducting the necessary medical treatments for narcotic addicts, etc. as well as by exercising the necessary controls over the import, export, manufacture, compounding, transfer, etc. of narcotics and psychotropics.

(Definitions)

Article 2. The following definitions shall apply throughout this Law.

- (1) "Narcotics" means any of the substances listed in the separate Table 1.
- (2) "Opium" means opium provided in the Opium Law (Law No. 71 of 1954).
- (3) "Poppy straw" means poppy straw provided in the Opium Law (Law No. 71 of 1954).
- (4) "Narcotic plant" means any of the plants listed in the separate Table 11.
- (5) "Exempt narcotics" means any of the substances provided in 'a.' of Item (76) of Table I.

- (6) "Psychotropics" means any of the substances listed in the separate Table 111.
- (7) "Narcotics/Psychotropics raw material" means any of the substances listed in the separate Table 1V.
- (8) "Narcotics handler" means any narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics, narcotics central wholesale dealer, narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator, and narcotics researcher.
- (9) "Narcotics dealer" means narcotics handler other than narcotics practitioner, narcotics administrator and narcotics researcher.
- (10) "Narcotics importer" means a person who is engaged in the professional importation of narcotics under the license granted by the Minister of Health, Labour and Welfare.
- (11) "Narcotics exporter" means a person who is engaged in the professional exportation of narcotics under the license granted by the Minister of Health, Labour and Welfare.
- (12) "Narcotics manufacturer" means a person who is engaged in the professional manufacture of narcotics (including the refining of narcotics and the transformation of narcotics into the other narcotics with chemical processes, and hereinafter referred to as such) under the license granted by the Minister of Health, Labour and Welfare.
- (13) "Narcotics compounder" means a person who is engaged in the professional compounding of narcotics (signifying the transformation of narcotics into the other narcotics without chemical processes, but excluding dispensation, and hereinafter referred to as such) or who is engaged in the professional subdividing of narcotics (signifying to subdivide narcotics obtained from others and put them into containers, and hereinafter referred to as such), under the license granted by the Minister of Health, Labour and Welfare.
- (14) "Manufacturer of exempt narcotics" means a person who is engaged in the professional manufacture of exempt narcotics under the license granted by the Minister of Health, Labour and Welfare.
- (15) "Narcotics central wholesale dealer" means a person who is engaged in the professional transfer of narcotics to narcotics wholesale dealer under the license granted by the Minister of Health, Labour and Welfare.
- (16) "Narcotics wholesale dealer" means a person who is engaged in the professional transfer of narcotics to narcotics retail dealer, the proprietor of narcotics medical institution or the proprietor of narcotics research institution under the license granted by the Governor of the Prefecture.
- (17) "Narcotics retail dealer" means a person who is engaged in the professional transfer of narcotics dispensed according to prescription including narcotics (hereinafter referred to as "narcotics prescription") issued by narcotics practitioner, under the license granted by the Governor of the Prefecture.
- (18) "Narcotics practitioner" means a person who, for the purpose of medical treatment of diseases, professionally administers narcotics, supplies them for administering or issues narcotics prescription, under the license granted by the Governor of the Prefecture.
- (19) "Narcotics administrator" means a person who professionally takes charge of the narcotics to be administered or to be supplied for administering, at his narcotics medical institution, under the license granted by the Governor of the Prefecture.

- (20) "Narcotics researcher" means a person who, for scientific research, cultivates narcotic plant, manufactures narcotics or uses narcotics, opium or poppy straw under the license granted by the Governor of the Prefecture.
- (21) "Place of business for narcotics" means a premise where any narcotics handler deals with narcotics for his business or scientific research signifying shop, manufactory, compounding place, pharmacy, hospital, clinic (including the residence of a doctor or dentist provided in Paragraph 1 of Article 5 of the Medical Care Law (Law No. 205 of 1948), and hereinafter referred to as such), veterinary clinics for domestic animals (clinics provided in Paragraph 2 of Article 2 of the Veterinary Practice Law (Law No. 46 of 1992), including residences of those who are engaged in the treatment of animals by visit alone, provided in Paragraph 1 of Article 7 of said law, and hereinafter referred to as such) and research institution. Provided, however, that in the case of a narcotics practitioner or a narcotics researcher who is engaged in medical and dental or veterinary treatment or scientific research at two or more hospitals, clinics or veterinary clinics for domestic animals (hereinafter referred to as a hospital, etc.) or research institutions in the same Prefecture, *only* the hospital, etc. or research institution where the narcotics practitioner or the narcotics researcher is chiefly engaged in medical and dental or veterinary treatment or scientific research shall be deemed to be the place of business for narcotics.
- (22) "Narcotics medical institution" means a hospital, etc., where a narcotics practitioner is engaged in treatment.
- (23) "Narcotics research institution" means a research institution where a narcotics researcher is engaged in scientific research.
- (24) "Narcotic addiction" means the chronic intoxication of narcotics, cannabis or opium.
- (25) "Narcotic addict" means a person who is in the state of narcotic addiction.
- (26) "Psychotropics handler" means any psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, psychotropics utilizer, psychotropics wholesale dealer, psychotropics retail dealer, the proprietor of a hospital, etc., and the proprietor of a psychotropics research institution.
- (27) "Psychotropics dealer" means a psychotropics handler other than the proprietor of a hospital, etc., and the proprietor of a psychotropics research institution.
- (28) "Psychotropics importer" means a person who is engaged in the professional importation of psychotropics under the license granted by the Minister of Health, Labour and Welfare.
- (29) "Psychotropics exporter" means a person who is engaged in the professional exportation of psychotropics under the license granted by the Minister of Health, Labour and Welfare.
- (30) "Psychotropics manufacturer/compounder" means a person who is engaged in the professional manufacture (including the refining of psychotropics and the transformation of psychotropics into the other psychotropics with chemical processes, and hereinafter referred to as such), compounding (including the transformation of psychotropics into the other psychotropics without chemical processes, but excluding dispensation, and hereinafter referred to as such) under the license granted by the Minister of Health, Labour and Welfare or who is engaged in the professional subdividing of psychotropics (signifying to subdivide psychotropics received from others and put them into containers, and hereinafter referred to as such) under the license granted by the Minister of Health, Labour and Welfare.
- (31) "Psychotropics utilizer" means a person who is engaged in the professional transformation of psychotropics into the substances other than psychotropics with chemical processes under the license granted by the Minister of Health, Labour and Welfare.

- (32) "Psychotropics wholesale dealer" means a person who is engaged in the professional transfer of psychotropics to psychotropics dealer (excluding psychotropics importer) under the license granted by the Governor of the Prefecture.
- (33) "Psychotropics retail dealer" means a person who is engaged in the professional transfer of psychotropics dispensed according to prescription including psychotropics (hereinafter referred to as a psychotropics prescription) under the license granted by the Governor of the Prefecture.
- (34) "Proprietor of a psychotropics research institution" means the proprietor of an institution where psychotropics are manufactured or used for scientific research or testing (hereinafter referred to as psychotropics research institution) under the registration granted by the Minister of Health, Labour and Welfare or the Governor of the Prefecture.
- (35) "Place of business for psychotropics" means a shop, manufactory, compounding place, and pharmacy, where a psychotropics dealer deals with psychotropics for his business.
- (36) "Narcotics/psychotropics raw material dealer" means narcotics/psychotropics raw material importer, narcotics/psychotropics raw material exporter, narcotics/psychotropics raw material manufacturer, and narcotics/psychotropics raw material wholesale/retail dealer.
- (37) "Narcotics/psychotropics raw material importer" means a person who is engaged in the professional importation of narcotic psychotropic raw material.
- (38) "Narcotics/psychotropics raw material exporter" means a person who is engaged in the professional exportation of narcotics/psychotropics raw material.
- (39) "Narcotics/psychotropics raw material manufacturer" means a person who is engaged in the professional manufacture of narcotics/psychotropics raw material (including the refining of narcotics/psychotropics raw material and the transformation of narcotic psychotropics raw material into other narcotics/ psychotropics raw material, with or without chemical processes, but excluding dispensation, and hereinafter referred to as such) or in the professional subdividing of narcotics/psychotropics raw material (signifying to subdivide narcotics/psychotropics raw material received from others and put them into containers, and hereinafter referred to as such).
- (40) "Specified narcotics/psychotropics raw material manufacturer" means a person who is engaged in the professional manufacture of narcotics/ psychotropics raw material designated by the Cabinet Ordinance (hereinafter referred to as "specified narcotics/psychotropics raw material") or in the professional subdividing of specified narcotics/psychotropics raw material.
- (41) "Narcotics/psychotropics raw material wholesale/retail dealer" means a person who is engaged in the professional transfer of narcotics/psychotropics raw material.
- (42) "Specified narcotics/psychotropics raw material wholesale/retail dealer" means a person who is engaged in the professional transfer of specified narcotics/psychotropics raw material.
- (43) "Place of business for narcotics/psychotropics raw material" means a shop, manufactory, or pharmacy, where a narcotics/psychotropics raw material dealer deals with narcotics/ psychotropics raw material for his business.

CHAPTER II CONTROL ON NARCOTICS

Part 1. License

(License)

Article 3. The license of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer shall be granted by the Minister of Health, Labour and Welfare and that of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher shall be granted by the Governor of the Prefecture, with respect to each place of business for narcotics, respectively.

2. No person other than those mentioned in any of the following items may obtain a license:

- (1) With regard to the license of a narcotics importer, any person who has obtained the license for the marketing of medicine in accordance with the provisions of the Pharmaceutical Affairs Law (Law No. 145 of 1960);
- (2) With regard to the license of a narcotics exporter, any person who has obtained the license for the marketing or sale of medicine in accordance with the provisions of the Pharmaceutical Affairs Law and who is a pharmacist himself or employs a pharmacist;
- (3) With regard to the license of a narcotics manufacturer or narcotics compounder, any person who has obtained the license for the marketing or manufacture of medicine in accordance with the provisions of the Pharmaceutical Affairs Law;
- (4) With regard to the license of a manufacturer of exempt narcotics, any person who has obtained a license for the professional manufacture of medicine in accordance with the provisions of the Pharmaceutical Affairs Law;

(5)-(9) (Omitted)

3. The license may not be granted to a person who comes under any of the following items:

- (1) A person whose license has been cancelled in accordance with the provision of Paragraph 1 of Article 51 and who has not passed three years after the date of the cancellation;
- (2) A person who has been sentenced to a penalty heavier than a fine and has not passed three years after the completion of, or the effectuation of exemption of further execution of, his sentence;
- (3) A person, except those who apply to any of the preceding two items, who has violated this Law, Cannabis Control Law (Law No. 124 of 1948), Opium Law, Pharmacists Law (Law No. 146 of 1960), Pharmaceutical Affairs Law, Medical Practitioners Law (Law No. 201 of 1948), Medical Care Law or other law or ordinances concerning pharmaceutical or medical affairs, or any of the dispositions made in accordance with these laws or ordinances, and has not passed two years after the date of his violation thereof;
- (4) An adult ward;
- (5) A person who is specified in the Ministry of Health, Labour and Welfare Ordinance as being incapable of properly conducting the business of a narcotics handler due to his mental and/or physical disabilities;

- (6) A narcotic addict or stimulant addict;
- (7) A juridical person or organization having a person who comes under any of the preceding items among the officers conducting its business;

(License Card)

Article 4. The Minister of Health, Labour and Welfare or the Governor of the Prefecture shall, in case he has granted the license to a narcotics handler in accordance with the provisions of the preceding article, issue the license card to the narcotics handler concerned.

- 2. In the license card, there shall be mentioned the name and the address of the narcotics handler, and other matters provided in the Ministry of health, Labour and Welfare Ordinance.
- 3. The license card shall not be transferred or lent to any other person.

(Term of Validity of License)

Article 5. The term of validity of license of a narcotics handler shall be from the date of its grant to December 31 of the next year.

(Invalidation of License)

Article 6. The license of a narcotics handler shall, in addition to the case of expiration of the term of its validity and the case of its cancellation under the provision of Paragraph 1 of Article 51, become null and void in a case where comes under any of the following items:

- (1) Where the notice under the provision of Paragraph 1 of the following article has been given;
- (2) Where the narcotics handler concerned has lost the qualification in any of the items of Paragraph 2 of Article 3.

(Notification of Discontinuation of Business, etc.)

Article 7. A narcotics handler shall, in case he has discontinued the business or research of narcotics at the place of business for narcotics within the term of validity of the license, give notice, within 15 days, accompanied with the license card, to the Minister of Health, Labour and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

2. The provision of the preceding paragraph shall apply mutatis mutandis where a narcotics handler has lost the qualification in any of items of Paragraph 2 of Article 3.

3. A successor or an administrator of the estate, or a liquidator, an administrator in bankruptcy or a representative of the juridical person who remains in existence after amalgamation with another one or of the new juridical person established as a result of the amalgamation shall, in case where a narcotics handler has been deceased or the narcotics handler of juridical person has been dissolved, give notice, within 15 days, accompanied with the license card, to the Minister of Health, Labour and Welfare in the case of decease or dissolution of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of

the Prefecture in the case of decease or dissolution of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

(Return of License Card)

Article 8. A narcotics handler shall, in case the term of validity of the license has expired or the license has been cancelled in accordance with the provision of Paragraph 1 of Article 51, within 15 days, return the license card to the Minister of Health, Labour and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

(Notification of Alteration of Matters Mentioned in License Card)

Article 9. A narcotics handler shall, in case alteration has occurred in the matters mentioned in the license card, give notice, within 15 days, accompanied with the license card, to the Minister of Health, Labour and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

2. The Minister of Health, Labour and Welfare or the Governor of the Prefecture shall, in case he has received the notice in the preceding paragraph, renew the license card and issue it to the narcotics handler concerned without undue delay.

(Reissue of License Card)

Article 10. A narcotics handler shall, in case the license card has been damaged or lost, make an application for reissue of the license card with the reason therefore, within 15 days, and besides, accompanied with the license card concerned in the case of damage, to the Minister of Health, Labour and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacture of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

2. A narcotics handler shall, in case the lost license card has been found after the renewed license card was issued in accordance with the provision of the preceding paragraph, return the found license card within 15 days to the Minister of Health, Labour and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

Article 11. Deleted. (Law No. 33 of 1990)

Part 2. Prohibition and Restriction

(Prohibition)

Article 12. No one shall import, export, manufacture, compound, subdivide, transfer, receive, supply, administer, possess or destroy diacetylmorphine, its salts or narcotics containing any of them (hereinafter referred to as a diacetylmorphine, etc.). Provided, however, that this provision shall not apply where the proprietor of a narcotics research institution transfers, receives, or destroys such narcotics under the permission of the Minister of Health, Labour and Welfare and where a narcotics researcher manufactures, compounds, subdivides, administers or possesses such narcotics for scientific research under the permission of the Minister of Health, Labour and Welfare.

2. No one shall import or export opium powder.
3. No one shall cultivate narcotic plants. Provided, however, that this provision shall not apply where a narcotics researcher cultivates such plants for scientific research under the permission of the Minister of Health, Labour and Welfare.
4. No one shall undergo the administering of diacetylmorphine etc. as prohibited in accordance with the provision of Paragraph 1.

(Import)

Article 13. No person other than a narcotics importer shall import narcotics (excluding diacetylmorphine etc. and narcotics provided in Paragraphs 2 of the preceding article, and hereinafter referred to as such to Article 19-2). Provided, however, that this provision shall not apply to a person who intends to enter this country by having them with himself for the purpose of treatment of his disease under the permission of the Minister of Health, Labour and Welfare.

2. A person who has imported narcotics by having them with himself, in accordance with the provision of the proviso of the preceding paragraph, shall, with respect to the application of the provisos of Paragraph 1 of Article 24, Paragraph 1 of Article 27, and Paragraph 1 of Article 28, be deemed to be the person who has been supplied the narcotics for administering from a narcotics practitioner.

(Import Permission)

Article 14. A narcotics importer shall, in case he intends to import narcotics, obtain the permission of the Minister of Health, Labour and Welfare for each import.

2. Any person who intends to obtain the permission in the preceding paragraph shall submit to the Minister of Health, Labour and Welfare a written application stating the following matters:
 - (1) The name and quantity of the narcotics to be imported;
 - (2) The name and address of the exporter;
 - (3) The period of importation ;
 - (4) The means of transportation;
 - (5) The name of the port of import.

3. A person who has obtained the permission in Paragraph 1 shall, in case he intends to alter any of the matters in the preceding paragraph, obtain the permission of the Minister of Health, Labour and Welfare.

4. The Minister of Health, Labour and Welfare may not grant the permission in Paragraph 1 or the preceding paragraph in case he considers it inadequate to do so, having regard to the demand and stock of the narcotics in question.

5. The Minister of Health, Labour and Welfare shall, in case he has granted the permission in Paragraph 1, issue the import permission and certificate of the import permission stating in them the name and address of the applicant and the matters prescribed in Paragraph 2.

6. The Minister of Health, Labour and Welfare shall, in case he has granted the permission in Paragraph 3, renew the import permission and certificate of the import permission and issue them to the applicant concerned.

(Submission of Certificate of Export Permission)

Article 15. A narcotics importer shall, in case he has imported the narcotics, submit the certificate of the export permission issued by the Government of the exporting country to the Minister of Health, Labour and Welfare within 10 days after the date of the importation of narcotics or the date of the receipt of the certificate of the export permission.

(Return of Import Permission)

Article 16. A narcotics importer shall, in case he has failed to import the narcotics within the authorized period of importation, return the import permission to the Minister of Health, Labour and Welfare within 10 days after the expiration of the period.

(Export)

Article 17. No person other than a narcotics exporter shall export narcotics. Provided, however, that this provision shall not apply to a person who intends to leave this country by having them with himself for the purpose of treatment of his disease under the permission of the Minister of Health, Labour and Welfare.

(Export Permission)

Article 18. A narcotics exporter shall, in case he intends to export narcotics drugs, obtain the permission of the Minister of Health, Labour and Welfare for each export.

2. Any person who intends to obtain the permission in the preceding paragraph shall submit to the Minister of Health, Labour and Welfare a written application stating the following matters accompanied by the certificate of the import permission issued by the Government of the importing country.

- (1) The name and quantity of the narcotics to be exported;
- (2) The name and address of the importer;
- (3) The period of exportation;

(4) The means of transportation;

(5) The name of the port of export.

3. A person who has obtained the permission in Paragraph 1 shall, in case he intends to alter any of the matters in the preceding paragraph, obtain the permission of the Minister of Health, Labour and Welfare therefore.

4. The Minister of Health, Labour and Welfare shall, in case he has granted the permission in Paragraph 1, issue the export permission and certificate of the export permission stating in them the name and address of the applicant and the matters prescribed in Paragraph 2.

5. The Minister of Health, Labour and Welfare shall, in case he has granted the permission in Paragraph 3, renew the export permission and certificate of the export permission and issue them to the applicant concerned.

6. A narcotics exporter shall, in case he exports narcotics, send the certificate of the export permission attached to the narcotics.

(Return of Export Permission and Certificate of Export Permission)

Article 19. A narcotics exporter shall, in case he has failed to export the narcotics within the authorized period of exportation, return the export permission and certificate of the export permission to the Minister of Health, Labour and Welfare within 10 days after the expiration of the period.

(Indication for Export)

Article 19-2. No narcotics exporter shall falsely indicate the name and quantity of narcotics which he intends to export.

Manufacture

Article 20. No person other than a narcotics manufacturer shall manufacture narcotics (excluding diacetylmorphine etc., and hereinafter referred to as such in this Section (excluding Article 29-2). Provided, however, that this provision shall not apply where a narcotics researcher manufactures for scientific research.

2. No person other than a narcotics manufacturer, narcotics compounder or manufacturer of exempt narcotics shall manufacture the exempt narcotics. Provided, however, that this provision shall not apply where a narcotics researcher manufactures them for scientific research.

(Permission for Manufacture)

Article 21. A narcotics manufacturer, narcotics compounder or manufacturer of exempt narcotics shall, in case he intends to manufacture narcotics or exempt narcotics, obtain the permission of the Minister of Health, Labour and Welfare in each period from January to June, and from July to December (hereinafter referred to as "semi-annually"), in respect of the name and quantity of the narcotics or exempt narcotics to be manufactured, and the name and quantity of the narcotics, opium or poppy straw to be used for the manufacture.

2. The provision of Paragraph 4 of Article 14 shall apply *mutatis mutandis* to the permission in the preceding paragraph.

3. The Minister of Health, Labour and Welfare may, in case he considers necessary in granting the permission in Paragraph 1, specify the capacity of each container in which the manufactured narcotics are to be put.

(Compounding and Subdividing)

Article 22. No person other than a narcotics manufacturer or narcotics compounder shall compound or subdivide narcotics. Provided, however, that this provision shall not apply where a narcotics researcher compounds or subdivides them for scientific research.

(Permission for Compounding and Subdividing)

Article 23. A narcotics manufacturer or narcotics compounder shall, in case he intends to compound or subdivide narcotics, obtain the permission of the Minister of Health, Labour and Welfare semi-annually in respect of the name and quantity of the narcotics to be compounded or subdivided and of the name and quantity of the narcotics to be used for the compounding.

2. The provisions of Paragraph 4 of Article 14 and Paragraph 3 of Article 21 shall apply *mutatis mutandis* to the permission in the preceding paragraph.

(Transfer)

Article 24. No person other than a narcotics dealer shall transfer narcotics. Provided, however, that this provision shall not apply to the followings:

- (1) In case where a proprietor of a narcotics medical institution transfers narcotics to be supplied for administering;
- (2) In case where a person who has been supplied narcotics for the administering from a narcotics practitioner, or a person who has received narcotics dispensed according to a narcotics prescription from a narcotics retail dealer, has found such narcotics unnecessary for the administering and transfer them to the proprietor of a narcotics medical institution or to a narcotics retail dealer;
- (3) In case of decease of a person who has been supplied narcotics for the administering from a narcotics practitioner or who has received narcotics dispensed according to the narcotics prescription from a narcotics retail dealer, his successor or the administrator of the estate in lieu of the successor, transfers such narcotics, which he actually possesses or takes charge of, to the proprietor of a narcotics medical institution or to a narcotics retail dealer;

2. The provision of the proviso of the preceding paragraph shall not apply where narcotics to be supplied for the administering are supplied in contravention of the provisions of Paragraph 1, 3 or 4 of Article 27 or where a narcotics prescription has been issued in contravention of the provisions of Paragraph 3 or 4 of the same article.

3. No narcotics importer shall transfer narcotics to any person other than a narcotics manufacturer, narcotics compounder, narcotics central wholesale dealer and narcotics wholesale dealer. Provided, however, that this provision shall not apply where a narcotics importer transfers codeine, dihydrocodeine, or their salts to a manufacturer of exempt narcotics.

4. No narcotics exporter shall transfer narcotics to any person except in the case of exportation.

5. No narcotics manufacturer shall transfer narcotics to any person other than a narcotics exporter, narcotics manufacturer, narcotics compounder, narcotics central wholesale dealer and narcotics wholesale dealer. Provided, however, that this provision shall not apply where a narcotics manufacturer transfers codeine, dihydrocodeine, or their salts to a manufacturer of exempt narcotics.
6. No narcotics compounder shall transfer narcotics to any person other than a narcotics exporter, narcotics compounder, narcotics central wholesale dealer and narcotics wholesale dealer.
7. No manufacturer of exempt narcotics shall transfer narcotics.
8. No narcotics central wholesale dealer shall transfer narcotics to any person other than a narcotics central wholesale dealer and narcotics wholesale dealer.
9. No narcotics wholesale dealer shall transfer narcotics to any person other than a narcotics wholesale dealer, narcotics retail dealer, the proprietor of a narcotics medical institution and the proprietor of a narcotics research institution that are located in the Prefecture where he has the license at his place of business for narcotics.
10. No narcotics retail dealer shall transfer narcotics to any person other than the person who has a narcotics prescription (excluding a narcotics prescription issued in contravention of the provision of Paragraph 3 or 4 of Article 27).
11. The provision of each of the preceding paragraphs shall not apply to the case of the transfer under the permission of the Minister of Health, Labour and Welfare.

(Transfer by Narcotics Dealer)

Article 25. No narcotics retail dealer shall, in case he transfers narcotics to a person who has a narcotics prescription, transfer narcotics other than those dispensed according to the prescription concerned.

(Receipt)

Article 26. No person other than a narcotics dealer, the proprietor of a narcotics medical institution or the proprietor of a narcotics research institution shall receive narcotics. Provided, however, that this provision shall not apply to the followings:

- (1) In case where the narcotics to be supplied by a narcotics practitioner are received from a proprietor of a narcotics medical institution;
 - (2) In case where a person to whom a narcotics prescription has been issued receives the narcotics dispensed according to the prescription from a narcotics retail dealer.
2. The provision of the proviso of the preceding paragraph shall not apply where narcotics to be supplied by a narcotics practitioner are supplied in contravention of the provision of Paragraphs 3 or 4 of the following article, or where a narcotics prescriptions has been issued in contravention of such provision.
 3. No narcotics dealer, proprietor of a narcotics medical institution or the proprietor of a narcotics research institution shall be the other party to the transfer of narcotics as prohibited in accordance with the provisions of Article 24.

(Administering, Supply for Administering, and Narcotics Prescription)

Article 27. No person other than a narcotics practitioner shall administer narcotics or supply them for administering, or issue a narcotics prescription. Provided, however, that this provision shall not apply to a case where comes under any of the following items:

- (1) Where a narcotics researcher administers narcotics for scientific research;
- (2) Where the person who has been supplied narcotics for administering from a narcotics practitioner administers the narcotics;
- (3) Where the person who has received narcotics dispensed according to a narcotics prescription from a narcotics retail dealer administers the narcotics.

2. The provision of the proviso of the preceding paragraph shall not apply to the case where the narcotics or narcotics prescription has been supplied or issued in contravention of the provision of Paragraphs 3 or 4.

3. No narcotics practitioner shall administer narcotics, supply them for administering, or issue a narcotics prescription for any purposes other than the treatment of diseases. Provided, however, that the designated physician of mental health may administer N-allylnormorphine, its salts, any narcotics containing such drugs, or any other narcotics designated by the Cabinet Ordinance, for the purpose of the medical examination under the provision of Paragraph 1 of Article 58-6.

4. Notwithstanding the provision of the preceding paragraph, no narcotics practitioner shall administer narcotics, supply them for administering, or issue a narcotics prescription for the purpose of releasing symptoms of the addiction and of other treatment of the addiction, Provided, however, that a narcotics practitioner who is engaged in treatment at a hospital designated by the Ministry of Health, Labour and Welfare Ordinance under the provision of Paragraph 1 of Article 58-8, may administer b-dimethylamino-4, 4-diphenyl-3-heptanon, its salts, any narcotics containing such drugs, or any other narcotics designated by the Cabinet Ordinance, to the person who has been hospitalized in the hospital concerned in accordance with the same article.

5. No one shall undergo the administration of narcotics prohibited in accordance with the provision of Paragraph 1, 3 or 4.

6. A narcotics practitioner shall, in case he issues a narcotics prescription, describe in the prescription the name of the patient (the kind of animal, and the name of the owner or caretaker in case of a sick animal), the name and quantity of narcotics, directions and dosage, name of a narcotics practitioner, number of his license, and any other matters prescribed in Ministry of Health, Labour and Welfare Ordinance and affix his name and seal or his signature.

(Possession)

Article 28. No person other than a narcotics handler, the proprietor of a narcotics medical institution and the proprietor of a narcotics research institution shall possess narcotics. Provided, however, that this provision shall not apply to the followings.

- (1) In case where a person, who has been supplied narcotics for administering from a narcotics practitioner, or who has received the narcotics dispensed according to a narcotics prescription from a narcotics retail dealer, possesses such narcotics;
- (2) In case of decease of a person, who has been supplied narcotics for administering from a narcotics practitioner, or who has received the narcotics dispensed according to a narcotics prescription from a narcotics retail dealer, his successor or the administrator of estate in lieu of the successor, possesses the narcotics drugs which he actually possesses or takes charge of.

2. The provision of the proviso of the preceding paragraph shall not apply where narcotics or narcotics prescriptions supplied or issued by a narcotics practitioner have been done so in contravention of the provision of Paragraph 3 or 4 of the preceding article.

3. No manufacturer of exempt narcotics shall possess any narcotics other than codeine, dihydrocodeine and their salts.

(Destruction)

Article 29. Any person who intends to destroy narcotics shall give notice to the Governor of the Prefecture with respect to the name and quantity of the narcotics and the method of destruction and shall destroy the narcotics in question in the presence of officials from the said prefecture. Provided, however, that this provision shall not apply to the case where a narcotics retail dealer or the proprietor of a narcotics medical institution, under the provisions of Ministry of Health, Labour and Welfare Ordinance, destroys the narcotics dispensed according to a narcotics prescription.

(Advertisement)

Article 29-2. No person shall be permitted to make advertisements on narcotics, unless they are in a newspaper or in a magazine carrying articles concerning to medical, pharmaceutical or scientific affairs for persons concerned with medical or pharmaceutical affairs (signifying medical and pharmaceutical professionals and researchers of natural science, and hereinafter referred to as such in this article) or in other publications which are primarily intended for persons concerned with medical or pharmaceutical affairs.

Part 3. Handling

(Sealing by Certificate Stamp)

Article 30. A narcotics importer, narcotics manufacturer or narcotics compounder shall, in case he transfers narcotics which he has imported, manufactured, compounded or subdivided, seal the container of the narcotics or immediate wrapper of The container with the certificate stamp issued by the Government, as provided by the Ministry of Health, Labour and Welfare Ordinance.

2. No narcotics dealer (excluding a narcotics retail dealer) shall transfer narcotics unless they are in the sealed condition as provided in the preceding paragraph.

3. No narcotics practitioner or narcotics retail dealer shall supply or transfer narcotics in the sealed condition as provided in Paragraph 1.

4. The provisions of the preceding three paragraphs shall not apply where narcotics are transferred under the permission provided in Paragraph 1 of Article 24.

(Descriptions on Container and Wrapper)

Article 31. No narcotics dealer (excluding a narcotics retail dealer) shall transfer any narcotics other than those bearing the mark " " and stating the following matters on a container and its immediate wrapper. Provided, however, that this provision shall not apply where narcotics are transferred under the permission provided in the provision of Paragraph 11 of Article 24.

- (1) The date of importation, manufacture, compounding or subdividing;
- (2) The name and quantity or content of each narcotic ingredient;
- (3) Other matters provided in Ministry of Health, Labour and Welfare Ordinance.

(Certificate of Receipt and Certificate of Transfer)

Article 32. A narcotics dealer (excluding a narcotics retail dealer; the same shall apply to the next paragraph) shall, in case he transfers narcotics, supply narcotics only on or after the receipt of the certificate of receipt made out by the transferee pursuant to the provisions of the Ministry of Health, Labour and Welfare Ordinance, and, at the same time, he shall, in case he supplies narcotics, issue to the transferee the certificate of transfer made out by him pursuant to the provisions of the Ministry of Health, Labour and Welfare Ordinance. Provided, however, that this provision shall not apply where narcotics are transferred under the permission provided in the provision of Paragraph 11 of Article 24.

2. The narcotics dealer provided for in the preceding paragraph may, instead of receiving the certificate of receipt as provided for in the preceding paragraph, with the permission of the transferee, receive the information to be contained in such certificate of receipt by any means specified in the Ministry of Health, Labour and Welfare Ordinance, using an electronic information processing system or any other information communications technology (hereinafter "info-communications technology") in accordance with the provisions of the Government Ordinance. In this case, the narcotics dealer shall be deemed to have received the certificate of receipt.

3. A person, who has received the certificate of receipt or certificate of transfer in accordance with the provision of the first paragraph or by any means provided for in the former clause of the preceding paragraph, shall preserve the certificate of receipt or certificate of transfer, or an electromagnetic record (any record that is produced by electronic means, magnetic means or any other means imperceptible by human beings and is specified by the Ministry of Health, Labour and Welfare Ordinance to be used for the purpose of information processing by computers) produced by the afore-mentioned means for 2 years as from the date of the receipt.

(Taking Charge of Narcotics at Narcotics Medical Institution and Narcotics Research Institution)

Article 33. A proprietor of a narcotics medical institution where two or more narcotics practitioners are engaged in treatment shall have one narcotics administrator. Provided, however, that this provision shall not apply to the case where the proprietor himself is a narcotics administrator.

2. A narcotics administrator (signifying a narcotics practitioner in the case of narcotics medical institution which has no narcotics administrator, and hereinafter referred to as such only in this Part and the following Part) or narcotics researcher shall take charge of narcotics to be administered Or supplied for administering, or to be used for scientific research at the narcotics medical institution or narcotics research institution concerned.

3. A narcotics practitioner shall not administer or supply for administering at the narcotics medical institution concerned any narcotics other than those taken charge of by a narcotics administrator in accordance with the provision of the preceding paragraph.

(Custody)

Article 34. A narcotics handler shall take custody of the narcotics which he possesses or takes charge of at his place of business for narcotics.

2. The custody mentioned in preceding Paragraph 1 shall be done in a locked, strongly built place, separating from non-narcotics (excluding stimulants).

(Report of Incidents and Destruction)

Article 35. A narcotics handler shall, in case of loss, theft, disappearance or any other incident has occurred in respect of the narcotics which he has possessed or taken charge of, promptly report the name and quantity of narcotics and other information necessary for making the circumstances of the incident clear, to the Minister of Health, Labour and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator or narcotics researcher.

2. A narcotics retail dealer or the proprietor of a narcotics medical institution shall, in case he has destroyed the narcotics dispensed according to a narcotics prescription, in accordance with the provision of the proviso of Article 29, report, within 30 days, the name and quantity of narcotics and other matters provided by the Ministry of Health, Labour and Welfare Ordinance to the Governor of the Prefecture.

3. The Governor of the Prefecture shall, in case he has received the report provided in Paragraph 1, promptly report to the Minister of Health, Labour and Welfare.

(Measures to be Taken in the Case of the Invalidation of License, etc.)

Article 36. A narcotics dealer, a proprietor of a narcotics medical institution or proprietor of a narcotics research institution shall, in case the license of the narcotics dealer has become null and void, or in case a narcotics medical institution or narcotics research institution has ceased to be the narcotics medical institution or narcotics research institution (except where a narcotics dealer has obtained the license of a narcotics dealer without intermission after the license of the narcotics dealer became null and void), notify, within 15 days, the name and quantity of the narcotics which he possesses actually, to the Minister of Health, Labour and Welfare in the case of a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics or narcotics central wholesale dealer, and to the Governor of the Prefecture in the case of a narcotics wholesale dealer, narcotics retail dealer, the proprietor of a narcotics medical institution or the proprietor of a narcotics research institution.

2. Only in the case the person, who is required to notify the matters in accordance with the provision of the preceding paragraph, transfers within 50 days after the date of arising the reason for the report, the narcotics prescribed in the same paragraph to a narcotics dealer, the proprietor of a narcotics medical institution or the proprietor of a narcotics research institution (where such person is a narcotics wholesale dealer, narcotics retail dealer, the proprietor of a narcotics medical institution, or the proprietor of a narcotics research institution, only to a narcotics dealer, the proprietor of a narcotics medical institution or the proprietor of a narcotics research institution that are located in the Prefecture where he has had the license at his place of business for narcotics, and where the narcotics in the same paragraph are diacetylmorphine etc., only to the proprietor of a narcotics research institution), the provisions of Paragraph 1 of Article 12, Paragraph 1 of Article 24 and Paragraph 3 of Article 26 shall not apply to the transfer and receipt,

and the provisions of Paragraph 1 of Article 12 and Paragraph 1 of Article 28 shall not apply to their possession of the narcotics prescribed in the preceding paragraph only within the same period.

3. Any person who has transferred narcotics within the period provided in the preceding paragraph shall notify, within 15 days after the date of the transfer, the name and quantity of the narcotics, the date of the transfer, and the name and address of the transferee, either to the Minister of health, Labour and Welfare or the Governor of the Prefecture as the case may be according to the classification provided in Paragraph 1.

4. The provisions of Paragraph 1 and the preceding paragraph shall apply *mutatis mutandis* to a successor or an administrator of the estate in lieu of the successor, or to a liquidator, an administrator in bankruptcy or a representative of the juridical person who remains in existence after amalgamation with another one or of the new juridical person established as a result of the amalgamation, in case where a narcotics handler, proprietor of a narcotics medical institution, or a proprietor of a narcotics research institution has been deceased or dissolved, and the provision of Paragraph 2 shall apply *mutatis mutandis*, to the transfer and receipt in case such persons transfer narcotics, and to their possession of narcotics.

Part 4. Record and Report Concerning Business

(Book)

Article 37. A narcotics dealer (excluding a narcotics retail dealer) shall keep a book at his place of business for narcotics and enter the following matters therein:

- (1) The name and quantity of narcotics imported, exported, manufactured, compounded, subdivided, transferred, received, used for manufacture of narcotics or exempt narcotics or for compounding of narcotics, or destroyed, and the date thereof;
- (2) The name and address of the counter-party of the import, export, transfer or receipt;
- (3) The name and quantity of narcotics reported under the provision of Paragraph 1 of Article 35.

2. A narcotics dealer (excluding a narcotics retail dealer) shall preserve the book in the preceding paragraph for two years from the date of the final entry (including the entry under the provision of Paragraph 1 of Article 39 of Opium Law in the case of a narcotics manufacturer).

Article 38. A narcotics retail dealer shall keep a book at his place of business for narcotics and enter the following matters therein:

- (1) The name and quantity of narcotics received and the date of the receipt;
- (2) The name and quantity of narcotics (excluding codeine, dihydrocodeine and ethylmorphine, and their salts) transferred and the date of the transfer;
- (3) The name and quantity of narcotics reported under the provision of Paragraph 1 of Article 35;
- (4) The name and quantity of narcotics destroyed and the date of the destruction.

2. A narcotics retail dealer shall preserve the book in preceding paragraph for 2 years from the date of the final entry.

Article 39. A narcotics administrator shall keep a book at his narcotics medical institution and enter the following matters therein:

- (1) The name and quantity of narcotics received or destroyed by the proprietor of the narcotics medical institution and the date of the receipt or destruction;
- (2) The name and quantity of narcotics (excluding codeine, dihydrocodeine and ethylmorphine, and their salts supplied for administering) transferred by the proprietor of the narcotics medical institution and the date of the transfer;
- (3) The name and quantity of narcotics (excluding codeine, dihydrocodeine and ethylmorphine, and their salts) administered at the narcotics medical institution and the date of the administering;
- (4) The name and quantity of narcotics reported under the provision of Paragraph 1 of Article 35.

2. A narcotics administrator shall, in case he has closed the use of the book in the preceding paragraph, deliver it to the proprietor of the narcotics medical institution without undue delay.

3. The proprietor of the narcotics medical institution shall, in case the book has been delivered in accordance with the provision of the preceding paragraph, preserve it for 2 years from the date of the final entry.

Article 40. A narcotics researcher shall keep a book at his narcotics research institution and enter the following matters therein:

- (1) The name and quantity of narcotics which newly come in or out, under his charge, and the date thereof;
- (2) The name and quantity of narcotics manufactured, compounded or used for scientific research, and the date thereof;
- (3) The name and quantity of narcotics reported under the provision of Paragraph 1 of Article 35.

2. A narcotics researcher shall, in case he has closed the use of the book in the preceding paragraph, deliver it to the proprietor of the narcotics research institution without undue delay.

3. The proprietor of the narcotics research institution shall, in case the book has been delivered in accordance with the provision of the preceding paragraph, preserve it 2 years from the date of the final entry.

(Record of Administering)

Article 41. A narcotics practitioner shall, in case he has administered narcotics or supplied them for administering, give entries in the clinical record book provided in Article 24 of Medical Practitioners Law or in Article 23 of Dentists Law (Law No. 202 of 1948) or in the record book of treatment provided in Article 21 of Veterinary License Law (Law No. 186 of 1949), the name and address of a patient (signifying its kind, and the name or its equivalent and address of its owner or caretaker in the case of a sick animal), name of disease, main symptoms, the name and quantity of narcotics administered or supplied for administering, and date of the administering or supply.

(Report by Narcotics Importer)

Article 42. A narcotics importer shall semi-annually report the following matters to the Minister of Health, Labour and Welfare within 15 days after the expiration of each six-month period:

- (1) The name and quantity of narcotics, the quantity of narcotics in each container (hereinafter referred to as "The quantity in each container") and the number of the container, which were possessed at the beginning of the six-month period;
- (2) The name and quantity of narcotics, the quantity in each container and the number of the containers, which were imported during the six-month period, and the date of the importation;
- (3) The name and quantity of narcotics, the quantity in each container and the number of the containers, which were transferred during the six-month period, and the date of the transfer;
- (4) The name and quantity of narcotics, the quantity in each container and the number of the containers, which were possessed at the end of the six-month period.

(Report by Narcotics Exporter)

Article 43. A narcotics exporter shall semi-annually report the following matters to the Minister of Health, Labour and Welfare within 15 days after the expiration of each six-month period:

- (1) The name and quantity of narcotics, the quantity in each container and the number of containers, which were possessed at the beginning of the six-month period;
- (2) The name and quantity of narcotics, the quantity in each container, the number of containers, which were exported during the six-month period, and the date of the exportation;
- (3) The name and quantity of narcotics, the quantity in each container and the number of containers, which were received during the six-month period, and the date of the receipt;
- (4) The name and quantity of narcotics, the quantity in each container and the number of containers, which were possessed at the end of the six-month period.

(Report by Narcotics Manufacturer, Narcotics Compounder or Manufacturer of Exempt Narcotics)

Article 44. A narcotics manufacturer, narcotics compounder, or manufacturer of exempt narcotics shall semi-annually report the following matters to the Minister of Health, Labour and Welfare within 15 days after the expiration of each six-month period:

- (1) The name and quantity of narcotics, the quantity in each container and the number of containers, which were possessed at the beginning of the six-month period;
- (2) The name and quantity of narcotics used for the manufacture or compounding of narcotics or for the manufacture of exempt narcotics during the six-month period;
- (3) The name and quantity of narcotics manufactured, compounded or subdivided, or of exempt narcotics manufactured during the six-month period, and the quantity in each container and number of containers of narcotics manufactured, compounded or subdivided during the six-month period;

- (4) The name and quantity of narcotics, the quantity of each container and the number of containers, which were transferred or received during the six-month period, and the date of the transfer or receipt;
- (5) The name and quantity of narcotics, the quantity of each container and the number of containers, which were possessed at the end of the six-month period;
- (6) Other matters provided in Ministry of Health, Labour and Welfare Ordinance.

(Report by Narcotics Central Wholesale Dealer)

Article 45. A narcotics central wholesale dealer shall semi-annually report the following matters to the Minister of Health, Labour and Welfare within 15 days after the expiration of each six-month period:

- (1) The name and quantity of narcotics, the quantity in each container and the number of containers, which were possessed at the beginning of the six-month period;
- (2) The name and quantity of narcotics, the quantity in each container and the number of containers, which were transferred or received during each six-month period;
- (3) The name and quantity of narcotics, the quantity in each container and the number of containers, which were possessed at the end of the six-month period;

(Report by Narcotics Wholesale Dealer)

Article 46. A narcotics wholesale dealer shall semi-annually report any of the matters prescribed in the preceding article to the Governor of the Prefecture within 15 days after the expiration of each six-month period.

2. The Governor of the Prefecture shall semi-annually sum up the reports in the preceding paragraph and submit them to the Minister of Health, Labour and Welfare within 50 days after the expiration of each six-month period.

(Report by Narcotics Retail Dealer)

Article 47. A narcotics retail dealer shall report the following matters to the Governor of the Prefecture not later than November 30 of each year:

- (1) The name and quantity of narcotics possessed on October 1 of the previous year;
- (2) The name and quantity of narcotics transferred or received from October 1 of the previous year to September 30 of the year;
- (3) The name and quantity of narcotics possessed on September 30 of the year.

(Report by Narcotics Administrator)

Article 48. A narcotics administrator shall report the following matters to the Governor of the Prefecture not later than November 30 of each year:

- (1) The name and quantity of narcotics possessed by the proprietor of the narcotics medical institution concerned on October 1 of the previous year;

- (2) The name and quantity of narcotics received by the proprietor of the narcotics medical institution concerned from October 1 of the previous year to September 30 of the year and the name and quantity of narcotics administered or supplied for administering during the same period at the narcotics medical institution concerned;
- (3) The name and quantity of narcotics possessed by the proprietor of the narcotics medical institution concerned on September 30 of the year.

(Report by Narcotics Researcher)

Article 49. A narcotics researcher shall report the following matters to the Governor of the Prefecture not later than November 30 of each year:

- (1) The name and quantity of narcotics under his charge on October 1 of the previous year;
- (2) The name and quantity of narcotics which newly placed under his charge from October 1 of the previous year to September 30 of the year and the name and quantity of narcotics manufactured, compounded or used for scientific research during the same period;
- (3) The name and quantity of narcotics under his charge on September 30 of the year.

CHAPTER III

CONTROL ON PSYCHOTROPICS

Part 1. License and Registration

(License)

Article 50. The license of a psychotropics importer, psychotropics exporter, psychotropics manufacturer/ compounder, or psychotropics utilizer shall be granted by the Minister of Health, Labour and Welfare and that of a psychotropics wholesale dealer or psychotropics retail dealer shall be granted by the Governor of the Prefecture with respect to each place of business for psychotropics.

2. The license may not be granted to the person who comes under any of the following:

- (1) The structure and facilities of a psychotropics business establishment is not conformity with the standards in accordance with the provisions by the Ministry of Health, Labour and Welfare Ordinance;
- (2) Any person who comes under any of the following items from "a" to "g":
 - a. A person whose license has been cancelled in accordance with the provision of Paragraph 2 of Article 51 and he has not passed 3 years after the date of the cancellation;
 - b. A person who has sentenced to a penalty heavier than imprisonment and he has not passed 3 years after the completion of, or the effectuation of exemption of further execution of, his sentence;
 - c. A person, except those who apply to any of the preceding two items, who has violated this law, Cannabis Control Law, Opium Law, Pharmacists Law, Pharmaceutical Affairs Law, or other laws or ordinances concerning pharmaceutical or medical affairs, or any of the

dispositions made in accordance with these laws or ordinances, and he has not passed 2 years after the date of his violation thereof;

- d. An adult ward;
- e. A person who is specified in the Ministry of Health, Labour and Welfare Ordinance as being incapable of properly conducting the business of a narcotics handler due to his mental and/or physical disabilities;
- f. A narcotic addict or stimulant addict;
- g. A juridical person or organization having a person who comes under any of the preceding items, "a" to "f", among the officers conducting its business.

(Term of Validity of License)

Article 50-2. The term of validity of license of a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, or psychotropics utilizer shall be 5 years from the date of its grant, and that of a psychotropics wholesale dealer or psychotropics retail dealer shall be 6 years from the date of its grant.

(Invalidation of License)

Article 50-3. The license of a psychotropics dealer shall, in addition to the case of the expiration of the term of its validity and the case of its cancellation under the provision of Paragraph 2 of Article 51, become null and void in the case where the notification has been made in accordance with Paragraph 1 of Article 7 applied *mutatis mutandis* to the following article.

(Provision to be Applied *Mutatis mutandis*)

Article 50-4. The provisions of Article 4, Paragraph 1 and 3 of Article 7, and provisions in Articles from 8 to 10, shall apply *mutatis mutandis* to a psychotropics dealer. In these cases, "15 days" in the provisions in Paragraph 1 and 3 of Article 7 and in the provisions from Article 8 to 10, shall be read as "30 days". In regard to these provisions, necessary technical interpretation in reading shall be provided by the Cabinet Ordinance.

(Registration)

Article 50-5. The registration of the proprietor of a psychotropics research institution established by the government shall be made by the Minister of Health, Labour and Welfare and that of other psychotropics research institution shall be made by the Governor of the Prefecture with respect to each place of psychotropics research institution.

2. The Minister of Health, Labour and Welfare or the Governor of the Prefecture may choose not to register any person whose registration has been cancelled in accordance with the provision of Paragraph 3 of Article 51 and who has not passed three years after the date of cancellation.

(Invalidation of Registration)

Article 50-6. The registration of the proprietor of a psychotropics research institution shall become null and void, in case where the registration has been cancelled under the provision of

Paragraph 3 of Article 51, or where a notification, provided in Paragraph 1 of Article 7 applied *mutatis mutandis* to the following article, has been made.

(Provision to be Applied *Mutatis mutandis*)

Article 50-7. The provisions of Article 4, Paragraphs 1 and 3 of Article 7, and provisions from Article 8 to 10 shall apply *mutatis mutandis* to the proprietor of a psychotropics research institution. In these cases, "15 days" in the provisions of Paragraph 1 and 3 of Article 7 and Articles from 8 to 10 shall be read as "30 days". In regard to these provisions, necessary technical interpretation in reading shall be provided by the Cabinet Ordinance.

Part 2. Prohibition and Restriction

(Import)

Article 50-8. No person other than a person who comes under any of the following items shall import psychotropics:

- (1) A psychotropics importer;
- (2) A person who enter this country by having psychotropics with himself for the purpose of treatment of his disease and who comes any of those specified by the Ministry of Health, Labour and Welfare Ordinance;
- (3) The proprietor of a psychotropics research institution who imports psychotropics for scientific research or testing;
- (4) Any of those who are specified by the Ministry of Health, Labour and Welfare Ordinance.

(Import Permission)

Article 50-9. A psychotropics importer shall, in case he intends to import psychotropics provided by the Cabinet Ordinance (hereinafter referred to as Schedule 1 Psychotropics), obtain the permission of Minister of Health, Labour and Welfare for each import.

2. A person who comes under Item (3) or (4) of the preceding article shall, in case he intends to import psychotropics, obtain the permission of the Minister of Health, Labour and Welfare for each import.

3. The provisions in Paragraphs 2, 3, 5 and 6 of Article 14, and Articles 15 and 16, apply *mutatis mutandis* to a person who intends to import Schedule 1 Psychotropics under the permission of the preceding two paragraphs.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 14,
- b) "narcotics" in Paragraph 2 of the same article,
- c) "Paragraph 1" in Paragraph 3 of the same article,
- d) "any of the matters of the preceding paragraph" in Paragraph 3 of the same article,
- e) "Paragraph 1" in Paragraph 5 of the same article,
- f) "Paragraph 2" in Paragraph 5 of the same article,

- g) "Paragraph 3" in Paragraph 6 of the same article,
- h) "a narcotics importer" in Articles 15 and 16, and
- i) "narcotics" in Articles 15 and 16

shall read as follows respectively:

- a) "Paragraph 1 or 2 of Article 50-9",
- b) "Schedule 1 Psychotropics",
- c) "Paragraph 1 or 2 of Article 50-9",
- d) "any of the matters in Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 3 of Article 50-9",
- e) "Paragraph 1 or 2 of Article 50-9",
- f) "Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 3 of 50-9",
- g) "Paragraph 3 of Article 14 applied *mutatis mutandis* to Paragraph 3 of Article 50-9",
- h) "a psychotropics importer or a person who comes under Item (3) or (4) of Article 50-8", and
- i) "Schedule 1 Psychotropics".

4. The provisions of Paragraphs 2, 3, 5 and 6 of Article 14, and Articles 15 and 16, shall apply *mutatis mutandis* to a person who intends to import psychotropics provided by Cabinet Ordinance (hereinafter referred to as "Schedule 11 Psychotropics") under the permission of Paragraph 2.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 14,
- b) "narcotics" in the same paragraph of the same article,
- c) "Paragraph 1" in Paragraph 3 of the same article,
- d) "any of the matters of the preceding paragraph" in the same paragraph of the same article,
- e) "Paragraph 1" in Paragraph 5 of the same article,
- f) "Paragraph 2" in the same paragraph of the same article,
- g) "import permission and certificate of the import permission" in the same paragraph of the same article,
- h) "Paragraph 3" in Paragraph 6 of the same article,
- i) "import permission and certificate of the import permission" in the same paragraph of the same article,
- j) "a narcotics importer" in Article 15,
- k) "narcotics" in the same article,
- l) "the certificate of the export permission issued by the Government of the exporting country" in the same article,
- m) "or ... the certificate of the export permission" in the same article,
- n) "Narcotics importer" in Article 16, and
- o) narcotics" in Article 16

shall read as follows respectively;

- a) "Paragraph 2 of Article 50-9",
- b) "Schedule II Psychotropics",
- c) "Paragraph 2 of Article 50-9",
- d) "any of the matters of Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 4 of Article 50-9",
- e) "Paragraph 2 of Article 50-9",
- f) "Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 4 of Article 50-9",
- g) "import permission",
- h) "Paragraph 3 of Article 14 applied *mutatis mutandis* to Paragraph 4 of Article 50-9",
- i) "import permission",
- j) "a person who comes under Item (3) or (4) of Article 50-8",
- k) "Schedule 11 Psycho tropics",
- l) "export notification made out by the exporter (in case where the exporting country issues the certificate of the export permission, the said certificate of the export permission, and hereinafter referred to as such only in this article)",
- m) "or ... the export notification",
- n) "A person who comes under Paragraph 3 or 4 of Article 50-8", and
- o) "Schedule II Psychotropics".

5. The provisions of Paragraph 2, 3, 5 and 6 of Article 14, and in Article 16, apply *mutatis mutandis* to a person who intends to import psychotropics other than Schedule 1 Psychotropics and Schedule 11 Psychotropics (hereinafter referred to as Schedule III Psychotropics), under the permission of Paragraph 2.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 14,
- b) "narcotics" in the same paragraph of the same article,
- c) "Paragraph 1 " in Paragraph 3 of the same article,
- d) "any of the matters in the preceding paragraph" in the same paragraph of the same article,
- e) "Paragraph I" in Paragraph 5 of the same article,
- f) "Paragraph 2" in the same paragraph of the same article,
- g) "import permission and certificate of the import permission" in the same paragraph of the same article,
- h) "Paragraph 3" in Paragraph 6 of the same article,
- i) "import permission and certificate of the import permission" in the same paragraph of the same article,
- j) "narcotics importer" in the Article 16, and
- k) "narcotics" in the same article

shall read as follows respectively;

- a) "Paragraph 2 of Article 50-9",
- b) "Schedule III Psychotropics",
- c) "Paragraph 2 of Article 50-9",
- d) "any of the matters in Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 5 of Article 50-9",
- e) "Paragraph 2 of Article 50-9",
- f) "Paragraph 2 of Article 14 applied *mutatis mutandis* to Paragraph 5 of Article 50-9",
- g) "import permission",
- h) "Paragraph 3 of Article 14 applied *mutatis mutandis* to Paragraph 5 of Article 50-9",
- i) "import permission",
- j) "a person comes under Item (3) or (4) of Article 50-8", and
- k) "Schedule III Psychotropics".

(Submission of Export Notification)

Article 50-10. A psychotropics importer shall, in case he has imported Schedule II Psychotropics, submit the export notification made out by the exporter (in case where the government of exporting country issues a certificate of export permission, the certificate of export permission, and hereinafter referred to as such in this article) to the Minister of Health, Labour and Welfare within 10 days from the date of importation of the Schedule II Psychotropics or from the date of receipt of export notification.

(Export)

Article 50-11. No person other than a person who comes under any of the following items shall export psychotropics:

- (1) A psychotropics exporter;
- (2) A person who leave this country by having psychotropics with himself for the purpose of treatment of his disease and who comes under any of those specified by the Ministry of Health, Labour and Welfare Ordinance;
- (3) The proprietor of a psychotropics research institution who exports psychotropics to a person who uses psychotropics for scientific research or testing;
- (4) Any of those who are specified by the Ministry of Health, Labour and Welfare Ordinance..

(Export Permission)

Article 50-12. A psychotropics exporter shall, in case he intends to export Schedule 1 Psychotropics, obtain the permission of the Minister of Health, Labour and Welfare for each export.

2. A person who comes under Paragraph 3 or 4 of the preceding article shall, in case he intends to export psychotropics, obtain the permission of the Minister of Health, Labour and Welfare for each export.

3. The provisions from Paragraph 2 to 6 of Article 18 and in Article 19 apply *mutatis mutandis* to a person who intends to export Schedule I Psychotropics under the permission of the preceding two paragraphs.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 18,
- b) "matters" in the same paragraph of the same article,
- c) "narcotics" in the same paragraph of the same article,
- d) "Paragraph 1" in Paragraph 3 of the same article,
- e) "any of the matters of the preceding paragraph" in the same paragraph and article,
- f) "Paragraph 1" in Paragraph 4 of the same article,
- g) "matters prescribed in Paragraph 2" in the same paragraph of the same article,
- h) "Paragraph 3" in Paragraph 5 of the same article,
- i) "a narcotics exporter" in Paragraph 6 of the same article and in Article 19, and
- j) "narcotics" in the same paragraph of the same article and in Article 19

shall read as follows respectively:

- a) "Paragraph 1 or 2 of Article 50-12",
- b) "matters and the destination",
- c) "Schedule I Psychotropics",
- d) "Paragraph 1 or Paragraph 2 of Article 50-12",
- e) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 3 of Article 50-12",
- f) "Paragraph 1 or Paragraph 2 of Article 50-12",
- g) "matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 3 of Article 50-12",
- h) "Paragraph 3 of Article 18 applied *mutatis mutandis* to Paragraph 3 of Article 50-12",
- i) "Psychotropics exporter or a person who comes under Item (3) or (4) of Article 50-11", and
- j) "Schedule I Psychotropics".

4. The provisions from Paragraph 2 to 6 of Article 18 and Article 19 shall apply *mutatis mutandis* to a person who intends to export Schedule II Psychotropics under the permission of Paragraph 2. In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 18,
- b) "matters" in the same paragraph of the same article,
- c) "a written application ... accompanied by the certificate of the import permission issued by the Government of the importing country" in the same paragraph of the same article,
- d) "narcotics" in the same paragraph of the same article,

- e) "Paragraph I" in Paragraph 3 of the same article,
- f) "any of the matters of the preceding paragraph" in the same paragraph of the same article,
- g) "Paragraph I" in Paragraph 4 of the same article,
- h) "matters prescribed in Paragraph 2" in the same paragraph of the same article,
- i) "Paragraph 3" in Paragraph 5 of the same article,
- j) "A narcotics exporter" in Paragraph 6 of the same article and in Article 19, and
- k) "narcotics" in Paragraph 6 of Article 18 and in Article 19

shall read as follows respectively:

- a) "Paragraph 2 of Article 50-12",
- b) "matters and the destination",
- c) "a written application for permission",
- d) "Schedule 11 Psychotropics",
- e) "Paragraph 2 of Article 50-12",
- f) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 4 of Article 50-12",
- g) "Paragraph 2 of Article 50-12",
- h) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 4 of Article 50-12",
- i) "Paragraph 3 of Article 18 applied *mutatis mutandis* to Paragraph 4 of Article 50-12",
- j) "a person who comes under Item (3) or (4) of Article 50-11", and
- k) "Schedule II Psychotropics".

5. The provisions from Paragraph 2 to 5 of Article 18 and Article 19 shall apply *mutatis mutandis* to a person who intends to export Schedule III Psychotropics under the permission of Paragraph 2.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 18,
- b) "matters" in the same paragraph of the same article,
- c) "a written application ... accompanied by the certificate of the import permission issued by the Government of the importing country" in the same paragraph of the same article,
- d) "narcotics" in the same paragraph of the same article,
- e) "Paragraph 1" in Paragraph 3 of the same article,
- f) "any of the matters of the preceding paragraph" in the same paragraph of the same article,
- g) "Paragraph 1" in Paragraph 4 of the same article,
- h) "matters prescribed in Paragraph 2" in the same paragraph of the same article,
- i) "export permission and certificate of the export permission" in the same paragraph of the same article,
- j) "Paragraph 3" in Paragraph 5 of the same article,

- k) "export permission and certificate of the export permission" in the same article
 - l) "a narcotics exporter" in Article 19,
 - m) "narcotics" in the same article, and
 - n) "export permission and certificate of the export permission" in the same article
- shall read as follows respectively:
- a) "Paragraph 2 of Article 50-12",
 - b) "matters and the destination",
 - c) "a written application for permission",
 - d) "Schedule III Psychotropics",
 - e) "Paragraph 2 of Article 50-12",
 - f) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 5 of Article 50-12",
 - g) "Paragraph 2 of Article 50-12",
 - h) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 5 of Article 50-12",
 - i) "export permission",
 - j) "Paragraph 3 of Article 18 applied *mutatis mutandis* to Paragraph 5 of Article 50-12",
 - k) "export permission",
 - l) "a person who comes under Item (3) or (4) of Article 50-11",
 - m) "Schedule III Psychotropics", and
 - n) "export permission".

(Special Provision for Export to Specified Areas)

Article 50-13. A psychotropics exporter shall, in case he intends to export Schedule 11 Psychotropics (referred to as Specified Schedule 11 Psychotropics in the following paragraph) among the psychotropics designated by the Cabinet Ordinance (hereinafter referred to Specified Psychotropics in this article and the following article) or Schedule III Psychotropics among Specified Psychotropics (referred to as Specified Schedule III Psychotropics in Paragraph 3) to the destination in the area designated by Cabinet Ordinance (hereinafter referred to Specified Area in this article and the following article) obtain the permission of the Minister of Health, Labour and Welfare for each export.

2. The provisions from Paragraph 2 to 6 of Article 18 and of Article 19 shall apply *mutatis mutandis* to a person who intends to export Specified Schedule II Psychotropics to the destination in the Specified Area under the permission of the preceding paragraph.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 18,
- b) "matters" in the same paragraph of the same article,
- c) "a written application ... accompanied by the certificate of import permission issued by the government of the importing country" in the same paragraph of the same article,

- d) "narcotics" in the same paragraph of the same article,
- e) "Paragraph 1" in Paragraph 3 of the same article,
- f) "any of the matters of the preceding paragraph" in the same paragraph of the same article,
- g) "Paragraph 1" in Paragraph 4 of the same article,
- h) "matters prescribed in Paragraph 2" in the same paragraph of the same article,
- i) "Paragraph 3" in Paragraph 5 of the same article,
- j) "a narcotics exporter" in Paragraph 6 of the same article and in Article 19, and
- k) "narcotics" in Paragraph 6 of Article 18 and in Article 19

shall read as follows respectively:

- a) "Paragraph 1 of Article 50-13",
- b) "matters and the destination",
- c) "a written application for permission",
- d) "Specified Schedule II Psychotropics",
- e) "Paragraph 1 of Article 50-13",
- f) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 2 of Article 50-13",
- g) "Paragraph 1 of Article 50-13",
- h) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 2 of Article 50-13",
- i) "Paragraph 3 of Article 18 applied *mutatis mutandis* to Paragraph 2 of Article 50-13",
- j) "a psychotropics exporter", and
- k) "Specified Schedule II Psychotropics".

3. The provisions from Paragraphs 2 to 5 of Article 18 and Article 19 shall apply *mutatis mutandis* to a person who intends to export Specified Schedule III Psychotropics under the permission of Paragraph 1 to the destination of the Specified Area.

In these cases, the following words, namely,

- a) "preceding paragraph" in Paragraph 2 of Article 18,
- b) "matters" in the same paragraph of the same article,
- c) "a written application...accompanied by the certificate of import permission issued by the government of the importing country" in the same paragraph of the same article,
- d) "narcotics" in the same paragraph of the same article,
- e) "Paragraph 1" in Paragraph 3 of the same article,
- f) "any of the matters of the preceding paragraph" in the same paragraph of the same article,
- g) "Paragraph 1" in Paragraph 4 of the same article,
- h) "matter prescribed in Paragraph 2" in the same paragraph of the same article,
- i) "export permission and certificate of export permission" in the same paragraph of the same article,

- j) "Paragraph 3" in Paragraph 5 of the same article,
- k) export permission and certificate of export permission" in the same paragraph of the same article,
- l) "a narcotics exporter" in Article 19",
- m) "narcotics" in the same article, and
- n) export permission and certificate of export permission" in Article 19

shall read as follows respectively:

- a) "Paragraph 1 of Article 50-13",
- b) "matters and the destination",
- c) "a written application for permission",
- d) "Specified Schedule III Psychotropics",
- e) "Paragraph 1 of Article 50-13",
- f) "any of the matters of Paragraph 2 of Article 18 applied to *mutatis mutandis* to Paragraph 3 of Article 50-13",
- g) "Paragraph 1 of Article 50-13",
- h) "any of the matters of Paragraph 2 of Article 18 applied *mutatis mutandis* to Paragraph 3 of Article 50-13",
- i) "export permission",
- j) "Paragraph 3 of Article 18 applied *mutatis mutandis* to Paragraph 3 of Article 50-13",
- k) "export permission",
- l) "a psychotropics exporter",
- m) "Specified Schedule III Psychotropics", and
- n) "export permission".

4. The Minister of Health, Labour and Welfare may choose not to grant the permission of Paragraph 1 or of Paragraph 1 or 2 of the preceding article, pertaining to the export of Specified Psychotropics destined for a place in the Specified Area in case the Special Import Permission made out by the government of importing country [w]as not received by him.

5. The Minister of Health, Labour and Welfare shall, in case he has granted permission of Paragraph 1 or of Paragraph 1 or 2 of the preceding article, pertaining to the export of Specified Psychotropics destined for a place in the Specified Area, issue the Special Import Permission made out by the government of the importing country in addition to the documents as prescribed in Paragraph 4 of Article 18 applied *mutatis mutandis* in Paragraph 2 or 3 or in paragraphs from 3 to 5 of the preceding article respectively.

6. A psychotropics exporter or a person who comes under Item (3) or (4) of Article 50-11 shall, in case he intends to export Specified Psychotropics destined for a place in the Specified Area, send the Special Import Permission made out by the government of the importing country, in addition to the documents provided by Paragraph 6 of Article 18 applied *mutatis mutandis* in Paragraph 2, or Paragraph 3 or 4 of the preceding article, attached to the psychotropics.

7. A person who comes under the provision of the preceding paragraph shall, in case he has failed to export Specified Psychotropics within the authorized period of exportation, under the

permission of Paragraph 1, or Paragraph 1 or 2 of the preceding article, pertaining to the export of Specified Psychotropics destined for a place in the Specified Area, return the Special Import Permission issued by the government of the importing country, in addition to the documents prescribed respectively in Article 19 applied *mutatis mutandis* in Paragraph 2 or 3, or the paragraph from 3 to 5 of the preceding article, to the Minister of Health, Labour and Welfare within 10 days after the expiration of the period.

(Export Notification, etc.)

Article 50-14. A psychotropics exporter shall, in case he intends to export Schedule II Psychotropics (other than the case he intends to export Specified Psychotropics destined for a place in the Specified Area), submit the export notification (referred simply to as "export notification" in the following paragraph) including the names of the Schedule II Psychotropics and other matters provided by the Health, Labour and Welfare Ministry Ordinance, to the Minister of Health, Labour and Welfare.

2. A psychotropics exporter shall, in case he intends to export Schedule II Psychotropics (other than the case where he intends to export Specified Psychotropics destined for a place in the Specified Area) send the duplicate copy of the export notification attached to Schedule II Psychotropics.

(Manufacture, etc.)

Article 50-15. No person other than a psychotropics manufacturer/compounder shall manufacture, compound or subdivide psychotropics. Provided, however, that this provision shall not apply to the following:

- (1) In the case where a person, who is engaged in scientific researches or testing at a psychotropics research institution (limited to the case where the proprietor thereof has been granted the registration under Paragraph 1 of Article 50-5, and referred to as such only in the following paragraph) manufactures, compounds, or subdivides them for such purposes;
- (2) In other cases provided by the Ministry of Health, Labour and Welfare Ordinance.

2. No person other than a psychotropics manufacturer/compounder or psychotropics utilizer shall transform psychotropics into any substances other than psychotropics with chemical processes. Provided, however, that this provision shall not apply to a case where a person engaged in scientific research or testing at a psychotropics research institution does so to perform his duties for scientific research or testing.

(Transfer, etc.)

Article 50-16. No person other than a psychotropics dealer (excluding psychotropics utilizer) shall transfer psychotropics or possess them for the purpose of transfer. Provided, however, that this provision shall not apply to the following:

- (1) In case where a proprietor of a hospital, etc. transfers psychotropics to be supplied for administering or possesses them for the purpose of transfer;
- (2) In case where a proprietor of a psychotropics research institution transfers psychotropics to a proprietor of the other psychotropics research institution or possesses them for the purpose of transfer;
- (3) In other cases provided by the Ministry of Health, Labour and Welfare Ordinance.

2. A psychotropics importer, psychotropics manufacturer/compounder or psychotropics wholesale dealer shall not transfer psychotropics to any person other than a psychotropics dealer (excluding psychotropics importer), the proprietor of a hospital, etc., and the proprietor of a psychotropics research institution. Provided, however, that this provision shall not apply to the case where a psychotropics manufacturer/compounder or psychotropics wholesale dealer returns psychotropics which they have received from a psychotropics importer, and other cases provided by the Ministry of Health, Labour and Welfare Ordinance.

3. A psychotropics exporter shall not transfer psychotropics to any person other than the case where he intends to export psychotropics. Provided, however, that this provision shall not apply to the case where a psychotropics exporter who returns the psychotropics which he has received from a psychotropics dealer, and to other cases provided by the Ministry of Health, Labour and Welfare Ordinance.

4. A psychotropics retail dealer shall not transfer psychotropics to any person other than those who have psychotropics prescriptions. Provided, however, that this provision shall not apply to the case where a psychotropics retail dealer returns psychotropics which have received from a psychotropics dealer and to other cases provided by the Ministry of Health, Labour and Welfare Ordinance.

(Transfer by Psychotropics Retail Dealer)

Article 50-17. A psychotropics retail dealer shall not, in the case where he transfers psychotropics to a person who has a psychotropics prescription, transfer any psychotropics other than those dispensed according to the psychotropics prescription.

(Provision to be Applied *Mutatis mutandis*)

Article 50-18. The provision of Article 19-2 shall apply *mutatis mutandis* to the psychotropics exporter, and the provision of Article 29-2 to the advertisement of psychotropics, provided that "narcotics" in Article 19-2 shall read "psychotropics".

Part 3. Handling

(Description on Container and Wrapper)

Article 50-19. No psychotropics dealer (excluding psychotropics retail dealer) shall transfer any psychotropics other than those bearing the mark "" and stating the following matters (hereinafter referred to as "matters required to be described" in this article) on the container and its immediate wrapper. Provided, however, that this shall not apply to the case where the "matters required to be described" can not be described because of the insufficiency of the space on the container, or its immediate wrapper and where he transfers psychotropics bearing the "matters required to be described" in the simplified manner provided by the Ministry of Health, Labour and Welfare Ordinance.

- (1) Name and quantity or content of each psychotropics ingredient;
- (2) Other matters provided by the Ministry of Health, Labour and Welfare Ordinance.

(Psychotropics Administrator)

Article 50-20. A psychotropics dealer shall have a psychotropics administrator at each place of business for psychotropics.

Provided, however, that this provision shall not apply to the case where a psychotropics dealer himself is a psychotropics administrator and takes charge of them at the place of business for psychotropics.

2. A psychotropics administrator shall exercise supervision over those who are engaged in handling of the psychotropics under his charge at the place of business for psychotropics to prevent them from committing a violation of the provision of this law or from non-observance of the disposition made under this law by the Minister of Health, Labour and Welfare or the Governor of the Prefecture.

3. No person other than any of those who are qualified under the Cabinet Ordinance as a pharmacist or a person who has necessary knowledge and experience concerning the handling of psychotropics shall be a psychotropics administrator.

4. A psychotropics dealer shall, in case where he had a psychotropics administrator or where he himself is a psychotropics administrator, notify, within 30 days, to the Minister of Health, Labour and Welfare, the name of a psychotropics administrator and other matters provided by the Ministry of Health, Labour and Welfare Ordinance, in the case of a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, or psychotropics utilizer, and to the Governor of the Prefecture in the case of a psychotropics wholesale dealer or psychotropics retail dealer. This shall apply in the same way to the change of a psychotropics administrator from one to another.

(Custody, etc.)

Article 50-21. A psychotropics handler shall, in order to prevent the abuse of psychotropics pursuant to the provisions of the Ministry of Health, Labour and Welfare Ordinance, take custody of or destroy the psychotropics which he possesses, or take other necessary measures thereof.

(Report of Incidents)

Article 50-22. A psychotropics handler shall, in case of loss, theft, disappearance or any other incident has occurred in respect of the psychotropics which he has possessed, promptly report, pursuant to the provisions of the Ministry of Health, Labour and Welfare Ordinance, the name and quantity of psychotropics and other matters necessary for making the circumstance of the incident clear, to the Minister of Health, Labour and Welfare in the case of a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, psychotropics utilizer or the proprietor of a psychotropics research institution under the registration granted by the Minister of Health, Labour and Welfare, and to the Governor of the Prefecture in the case of a psychotropics wholesale dealer, psychotropics retail dealer, the proprietor of a hospital, etc., or the proprietor of psychotropics research institution under the registration granted by the Governor of the Prefecture.

2. The Governor of the Prefecture shall, in case he has received the report of the preceding paragraph, promptly report to the Minister of Health, Labour and Welfare.

Part 4. Record and Report Concerning Business

(Record)

Article 50-23. A psychotropics dealer (excluding psychotropics retail dealer) shall record the following matters:

- (1) Name and quantity of psychotropics imported, exported, manufactured, compounded or subdivided, psychotropics used for the manufacture or compounding of psychotropics, or psychotropics used as material for chemically transformed substances of psychotropics (signifying any substance other than psychotropics transformed with chemical processes by a psychotropics manufacturer/compounder or psychotropics utilizer, and referred to as such in the following Items and in the following article), and the date thereof;
- (2) The name, quantity and purpose of use of the chemically transformed substances of psychotropics;
- (3) The name and quantity of psychotropics (excluding Schedule III Psychotropics and referred to as such in the following item) transferred, received, destroyed, and the date thereof;
- (4) The name or its equivalent and address of the other party of import, or export, or to transfer or receipt of psychotropics;

2. A psychotropics retail dealer and a proprietor of a hospital, etc., shall record the following matters:

- (1) The name and quantity of psychotropics transferred, received, or destroyed (excluding Schedule III Psychotropics, psychotropics transferred to a person who possesses a psychotropics prescription, and psychotropics provided by the Minister of Health, Labour and Welfare Ordinance, and referred to as such in the following items) and the date thereof;
- (2) The name or its equivalent or address of the other party of transfer or receipt of psychotropics.

3. A proprietor of a psychotropics research institution shall record the following matters:

- (1) The name and quantity of psychotropics imported, exported, or manufactured, and the date thereof;
- (2) The name and quantity of psychotropics transferred, received, or destroyed (excluding Schedule III Psychotropics, and referred to as such in the following item) and the date thereof;
- (3) The name or its equivalent and address of the other party of import or export, or to transfer or receipt of Psychotropics.

4. A psychotropics handler shall preserve the record as prescribed by the preceding three paragraphs for two years from the date of final record at a place of business for psychotropics, hospital, etc., or psychotropics research institution.

(Report)

Article 50-24. A psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder and psychotropics utilizer shall report the following matters to the Minister of Health, Labour and Welfare not later than the end of February of each year:

- (1) The name and quantity of psychotropics imported, exported, manufactured, compounded or subdivided, used for the manufacture or compounding of psychotropics, or used as materials for chemically transformed substances of psychotropics during the preceding year;

(2) The name and quantity of Schedule 1 Psychotropics possessed at the beginning of the preceding year and the name and quantity of them possessed at the end of the same year;

(3) Other matters provided by the Ministry of Health, Labour and Welfare Ordinance.

2. The proprietor of a psychotropics research institution shall report the following matters not later than the end of February of each year to the Minister of Health, Labour and Welfare in the case of the proprietor of a psychotropics research institution under the registration granted by the Minister of Health, Labour and Welfare and to the Governor of the Prefecture in the case of the proprietor of psychotropics research institution under the registration granted by the Governor of the Prefecture.

(1) The name and quantity of psychotropics imported, exported, or manufactured during the preceding year;

(2) Other matters provided by the Ministry of Health, Labour and Welfare Ordinance.

3. The Governor of the Prefecture shall report to the Minister of Health, Labour and Welfare the matters reported in accordance with the preceding paragraph en bloc not later than April 30 of the year.

Part 5. Miscellaneous Provisions

(Exemption, etc.)

Article 50-25. As to the psychotropics listed in "12" in Table III, a part or parts of this law may be exempted from application and other necessary special regulations may be provided by the Cabinet Ordinance in case any of those substances is stipulated by the Ministry of Health, Labour and Welfare Ordinance that there is no fear of abuse of it, and that it has no harmful effect.

(Special Provision for the Proprietor of a Pharmacy, etc.)

Article 50-26. In connection with the application of the provisions of this law (excluding Article 50-4 and Paragraph 4 of Article 50-20), a person who has been granted license (including the renewal thereof) to establish a pharmacy in accordance with the Pharmaceutical Affairs Law (hereinafter referred to as the proprietor of a pharmacy in this article) or a person who has been obtained the license for the professional sale of drugs (excluding drugs as provided by Paragraph 1 of Article 83 of the same Law. Hereinafter referred to as such in this article) shall be regarded as the person who has obtained the license of psychotropics wholesale dealer and as the person who has obtained the license of a psychotropics retail dealer in accordance with the provisions of Paragraph 1 of Article 50, or the person who has obtained the license of psychotropics wholesale dealer in accordance with the same paragraph respectively. Provided, however, that this provision shall not apply to the case where the proprietor of a pharmacy concerned or a person who has been obtained the license for the professional sale of drugs has made a different notification to the Governor of the Prefecture in accordance with the Ministry of Health, Labour and Welfare Ordinance.

2. The license of a person who has been regarded as the person obtained the license for a psychotropics wholesale dealer or psychotropics retail dealer in accordance with the provision of the preceding paragraph shall become null and void in accordance with the provision of Article 50-3. This shall also apply to a case where comes under any of the following items:

- (1) Where the validity of license of Paragraph 1 of Article 4 or Paragraph 1 of Article 26 of the Pharmaceutical Affairs Law has become null and void in accordance with Paragraph 2 of Article 4 or Paragraph 2 of Article 24 of the same law;
- (2) Where a notification as provided by Article 10 of the Pharmaceutical Affairs Law (including the case where Article 38 of the same law is applied *mutatis mutandis*) has been submitted (limited only to the Notification of Closing of Business);
- (3) Where the license of Paragraph 1 of Article 4 or Paragraph 1 of Article 26 of the Pharmaceutical Affairs Law has been cancelled in accordance with the provision of Paragraph 1 of Article 75 of the same law.

3. In the case of text of the Paragraph 1, the manager of a pharmacy as prescribed by Paragraph 3 of Article 7 of the Pharmaceutical Affairs Law concerning the pharmacy established by the proprietor of the pharmacy, or the manager of a drug seller as prescribed in Paragraph 3 of Article 7 of the same law applied *mutatis mutandis* Article 27 of the same law concerning a person who has obtained the license for the professional sale of drugs, shall be regarded as a psychotropics administrator provided for in Paragraph 1 of Article 50-20.

4. The Governor of the Prefecture shall, in the case where he has received a notification of the provision of Paragraph 1, and in the case where the license of a person who has been regarded as the person who obtained the license of a psychotropics wholesale dealer or psychotropics retail dealer in accordance with the provisions of the same paragraph, has been cancelled in accordance with the provision of Paragraph 2 of Article 51 (only where the professional business of a pharmacy or a drug seller has continuously been carried out), make the public notice stating to that effect.

CHAPTER III-2

NOTIFICATION, ETC. CONCERNING NARCOTICS/PSYCHOTROPICS RAW MATERIAL

(Notification Concerning Business)

Article 50-27. A person who intends to become a narcotics/ psychotropics raw material importer, narcotics/ psychotropics raw material exporter, specified narcotics/ psychotropics raw material manufacturer, or specified narcotics/ psychotropics raw material wholesale/ retail dealer shall notify, in advance, his name, address and other matters provided by the Ministry of Health, Labour and Welfare Ordinance with respect to each place of business for narcotics/ psychotropics raw material (which shall be limited to specified narcotics/ psychotropics raw materials in case of a specified narcotics/ psychotropics raw material manufacturer or specified narcotics/ psychotropics raw material wholesale/ retail dealer, and referred to as such in the provision of Paragraph 1 of the succeeding article and Paragraph 2 of Article 50-34) to the Minister of Health, Labour and Welfare in the case of a narcotics/ psychotropics raw material importer or narcotics/ psychotropics raw material exporter or a specified narcotics/ psychotropics raw material manufacturer, and to the Governor of the Prefecture in the case of a specified narcotics/psychotropics raw material wholesale/ retail dealer. The same shall apply to any alteration in matters notified by a narcotics/ psychotropics raw material importer, narcotics/ psychotropics raw material exporter, specified narcotic psychotropics raw material manufacturer, or specified narcotics/ psychotropics raw material wholesale/ retail dealer.

(Notification of Discontinuation of Business)

Article 50-28. A narcotics/ psychotropics raw material importer, narcotics/ psychotropics raw material exporter, specified narcotics/ psychotropics raw material manufacturer, or specified narcotics/ psychotropics raw material wholesale/retail dealer shall, in case he has discontinued his business regarding narcotics/ psychotropics raw materials (which shall be limited to specified narcotics/ psychotropics raw materials in case of a specified narcotics/ psychotropics raw material manufacturer or specified narcotics/ psychotropics raw material wholesale/ retail dealer, and referred to as such in the provision of Paragraph 1 of Article 50-34) at the place of business for narcotics/ psychotropics raw materials regarding which the notification of the preceding article was made, notify within 30 days, to the Minister of Health, Labour and Welfare in the case of a narcotics/ psychotropics raw material importer or narcotics/ psychotropics raw material exporter or specified narcotics/ psychotropics raw material manufacturer, and to the Governor of the Prefecture in the case of a specified narcotics/ psychotropics raw material wholesale/ retail dealer.

2. A successor, an administrator of the estate in lieu of the successor, a liquidator, an administrator in bankruptcy, or a representative of the juridical person who remains in existence after amalgamation with another one or of the new juridical person established as the result of the amalgamation shall, in case the narcotics/ psychotropics raw material importer, narcotics/ psychotropics raw material exporter, specified narcotic psychotropics raw material manufacturer, or specified narcotics/ psychotropics raw material wholesale/retail has been deceased or dissolved, notify within 30 days, to the Minister of Health, Labour and Welfare in the case of the decease or dissolution of a narcotics/ psychotropics raw material importer or a narcotic psychotropics raw material exporter or specified narcotics/ psychotropics raw material manufacturer, and to the Governor of the Prefecture in case of the decease or dissolution of a specified narcotics/ psychotropics raw material wholesale/ retail dealer.

(Import Notification by Narcotics/ Psychotropics Raw Material Importer)

Article 50-29. A narcotics/ psychotropics raw material importer who intends to import narcotics/ psychotropics raw material provided for in the Cabinet Ordinance shall notify to the Minister of Health, Labour and Welfare the following matters for each import:

- (1) The name and quantity of narcotics/psychotropics raw material provided by the Cabinet Ordinance to be imported;
- (2) The name and address of the exporter;
- (3) The period of importation.

(Export Notification by Narcotics/Psychotropics Raw Material Exporter)

Article 50-30.- A narcotics/ psychotropics raw material exporter who intends to import narcotics/ psychotropics raw material provided for in the Cabinet Ordinance shall report to the Minister of Health, Labour and Welfare the following matters for each export:

- (1) The name and quantity of narcotics/psychotropics raw material provided by the Cabinet Ordinance to be exported;
- (2) The name and address of the importer;
- (3) The period of exportation;
- (4) The destination.

2. A narcotics/ psychotropics raw material exporter, who intends to export narcotics/ psychotropics raw material provided for in the Cabinet Ordinance to any of the areas provided for in the Cabinet Ordinance as the destination shall notify to the Minister of Health, Labour and Welfare the following matters for each import:

- (1) The name and quantity of narcotics/psychotropics raw material provided by the Cabinet Ordinance to be exported;
- (2) The name and address of the importer;
- (3) The period of exportation;
- (4) The destination.

(Import Notification by A Person Who Is Not A Narcotics/ Psychotropics Raw Material Importer)

Article 50-31. A person who is not a narcotics/ psychotropics raw material importer and intends to import narcotics/ psychotropics raw material shall notify to the Minister of Health, Labour and Welfare the following matters for each import, unless the narcotics/ psychotropics raw material to be imported is in an amount less than that provided by the Ministry of Health, Labour and Welfare Ordinance.

- (1) The name and quantity of narcotics/psychotropics raw material to be imported;
- (2) The name and address of the exporter;
- (3) The period of importation.

(Export Notification by A Person Who Is Not A Narcotics/ Psychotropics Raw Material Exporter)

Article 50-32. A person who is not a narcotics/psychotropics raw material exporter and intends to export narcotics/psychotropics raw material shall notify to the Minister of Health, Labour and Welfare the following matters for each export, unless the narcotics/psychotropics raw material to be exported is in an amount less than that provided by the Ministry of Health, Labour and Welfare Ordinance.

- (1) The name and quantity of narcotics/psychotropics raw material to be exported;
- (2) The name and address of the importer;
- (3) The period of exportation;
- (4) The destination.

(Report of Incidents, etc.)

Article 50-33. A narcotics/ psychotropics raw material dealer shall, in case of theft, disappearance or any other incident has occurred in respect to narcotics/ psychotropics raw material which he has possessed, promptly report the name and quantity of the narcotics/ psychotropics raw material and other information necessary for making the circumstances of the incident clear in accordance with the Ministry of Health, Labour and Welfare Ordinance, to the Minister of Health, Labour and Welfare in the case of a narcotics/ psychotropics raw material importer or narcotics/ psychotropics raw material exporter or narcotics/ psychotropic raw material

manufacturer, and to the Governor of the Prefecture in the case of a narcotics/ psychotropics raw material wholesale/ retail dealer.

2. A narcotics/ psychotropics raw material dealer shall, in case there is reason to believe that the import, export, manufacture, subdividing or transfer of narcotics/ psychotropics raw material he is to deal with comes under any of those cases provided in the Ministry of Health, Labour and Welfare Ordinance as being allegedly associated with the manufacture of narcotics or psychotropics prohibited under the provisions of Paragraph 1 of Article 12, Paragraph 1 of Article 20, or Paragraph 1 of Article 50-15, promptly report that effect and other information provided by the Ministry of Health, Labour and Welfare Ordinance, to the Minister of Health, Labour and Welfare in the case of a narcotics/psychotropics raw material importer or narcotics/ psychotropics raw material exporter or narcotics/ psychotropics raw material manufacturer, and to the Governor of the Prefecture in the case of a narcotics/ psychotropics raw material wholesale/ retail dealer.

3. The Governor of the Prefecture shall, in case he has received the report provided in the preceding two paragraphs, promptly report to the Minister of health, Labour and Welfare.

(Record)

Article 50-34. A narcotics/ psychotropics raw material importer, narcotics/ psychotropics raw material exporter, specified narcotics/ psychotropics raw material manufacturer, or specified narcotics/ psychotropics raw material wholesale/ retail dealer shall record the following matters:

- (1) The name and quantity of narcotics/ psychotropics raw material imported, exported, manufactured, subdivided, transferred or received, and the date thereof;
- (2) The name and address of the other party of the import, the export, the transfer, or the receipt of narcotics/ psychotropics raw material.

2. A narcotics/ psychotropics raw material importer, narcotics/ psychotropics raw material exporter, specified narcotics/ psychotropics raw material manufacturer, or specified narcotics/ psychotropics raw material wholesale/retail dealer shall preserve the record prescribed by the preceding paragraph for 2 years from the date of final record at the place of business for narcotics/ psychotropics raw material.

(Provision to be Applied *mutatis mutandis*)

Article 50-35. The provision of Article 19-2 shall apply *mutatis mutandis* to narcotics/ psychotropics raw material exporter. "Narcotics" therein shall read "narcotics/psychotropics raw materials".

(Exemption, etc.)

Article 50-36. As to the narcotics/psychotropics raw material, this law may be exempted from application and other necessary special regulations may be provided by the Cabinet Ordinance in case any of those substances is stipulated by the Ministry of Health, Labour and Welfare Ordinance that it is extremely difficult to be used for manufacture of narcotics or psychotropics because of its composition, property and other characteristics.

(Notification to Minister(s) Concerned)

Article 50-37. The Minister of Health, Labour and Welfare shall, as considered necessary, notify other minister(s) concerned of the matters reported under the provisions of Article 50-27 and Article 50-28 to seek for his (their) assistance.

**CHAPTER IV
SUPERVISION**

(Collection of Reports, etc.)

Article 50-38. The Minister of Health, Labour and Welfare or the Governor of the Prefecture may, in case where he deems there are necessities in exercising control over narcotics or psychotropics, collect necessary report from a narcotics handler, psychotropics handler or any other person concerned and may have a narcotics control officer or prefectural narcotics control official or other competent official enter the place of business for narcotics, place of business for psychotropics, hospital, etc., psychotropics research institution or any other places concerned with the narcotics or psychotropics, examine books and other things, put a question to the persons concerned, or remove, only in the minimum amount necessary for the identification, narcotics, exempt narcotics, psychotropics, or any other substance suspected of being as such.

2. The Minister of Health, Labour and Welfare or the Governor of the Prefecture may, to the extent required to investigate the actual import, export, manufacture, subdivision, transfer or receipt of narcotics/psychotropics raw material, collect necessary report from a narcotics/psychotropics raw material dealer or any other person concerned and may have a narcotics control officer, a prefectural narcotics control official or other competent official enter a place of business for narcotics/psychotropics raw material or any other places concerned with the narcotics/psychotropics raw material and examine books, other things.

3. The officer or official in the preceding two paragraph shall carry identity card showing his status and present it on demand of the persons concerned.

4. The power provided in Paragraph 1 or Paragraph 2 shall not be interpreted as having been authorized for criminal investigation.

(Order for Action)

Article 50-39. In case where the Minister of Health, Labour and Welfare as to a psychotropics importer, psychotropics exporter, psychotropics manufacturer/ compounder, psychotropics utilizer and the proprietor of a psychotropics research institution registered with him; or the Governor of the Prefecture as to a psychotropics wholesale dealer, psychotropics retail dealer, the proprietor of a hospital, etc., and the proprietor of a psychotropics research institution registered with him, considers that there is reason to believe any of them has violated the provisions of Article 50-21, he may order, by fixing the period of time, the alternation of methods of keeping psychotropics in custody or destruction thereof, or other necessary action to be taken.

(Order for Improvement)

Article 50-40. In case where the Minister of Health, Labour and Welfare as to a psychotropics importer, psychotropics exporter, psychotropics manufacturer/ compounder, or psychotropics utilizer; or the Governor of the Prefecture as to a psychotropics wholesale dealer or psychotropics retail dealer, considers that there is reason to believe that the structure and facilities of a place of

business for psychotropics has become no longer in conformity with the standards of the Ministry of Health, Labour and Welfare Ordinance stipulated in the provision of Item (1) of Paragraph 2 of Article 50, he may order the improvement of the structure and facilities thereof or prohibit the use of a part or the whole of the place of business for psychotropics until the completion thereof.

(Order for Change of Psychotropics Administrator)

Article 50-41. The Minister of Health, Labour and Welfare as to the psychotropics administrator placed by a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder, a psychotropics utilizer; or the Governor of the Prefecture as to psychotropics administrator placed by a psychotropics wholesale dealer, or the psychotropics retail dealer, in case the psychotropics administrator has violated the provisions of this Law or provisions of other laws and ordinances concerning the pharmaceutical affairs, disposition based on the provisions thereof or has been found unqualified as a psychotropics administrator, may order the psychotropics dealer concerned the change of the psychotropics administrator from one person to another.

(Cancellation of License, etc.)

Article 51. The Minister of Health, Labour and Welfare as to a narcotics importer, narcotics exporter, narcotics manufacturer, narcotics compounder, manufacturer of exempt narcotics, or narcotics central wholesale dealer, or the Governor of the Prefecture as to a narcotics wholesale dealer, narcotics retail dealer, narcotics practitioner, narcotics administrator, or narcotics researcher, in case any of the persons mentioned above has violated the provisions of this Law or the disposition made by the Minister of Health, Labour and Welfare or by the Governor of the Prefecture under the provisions of this Law or the conditions stipulated for the license or permission, or has come under any of Items (2) through (7) of Paragraph 3 of Article 3, may cancel the license or order the suspension of the business or research work concerning narcotics by fixing the period for the suspension.

2. The Minister of Health, Labour and Welfare as to a psychotropics importer, psychotropics exporter, psychotropics manufacturer/compounder or psychotropics utilizer; or the Governor of the Prefecture as to a psychotropics wholesale dealer or psychotropics retail dealer, in case any of the persons mentioned above has violated the provisions of this Law or the dispositions made by the Minister of Health, Labour and Welfare or by the Governor of the Prefecture under the provisions of this Law, or the conditions stipulated for the license or permission, or has come under any provision from "b" to "g" in Item (2) of Paragraph 2 of Article 50, may cancel the license or order the suspension of the business concerning psychotropics by fixing the period for the suspension.

3. The Minister of Health, Labour and Welfare as to the proprietor of a psychotropics research institution registered by the Minister of Health, Labour and Welfare; or the Governor of the Prefecture as to the proprietor of a psychotropics research institution registered by the Governor of the Prefecture, in case any of the persons mentioned above has violated the provisions of this Law or the dispositions made by the Minister of Health, Labour and Welfare or by the Governor of the Prefecture based on this Law, may cancel the registration.

(Hearing)

Article 52. Notification concerning the disposition under the preceding two articles in accordance with Paragraph 1 of Article 15 or Article 30 of the Administrative Procedure Law

(Law No. 88 of 1993), shall be made not less than one week prior to the date of the hearing or the date of submission of a written explanation (or the date and time for an oral explanation if such is permitted).

2. When the Minister of Health, Labour and Welfare or the Governor of the Prefecture has notified in accordance with Paragraph 1 of Article 15 of the Administrative Procedure Law, concerning the change of a psychotropics handling supervisor under provisions of Article 50-41, the cancellation of the license under the provisions of Paragraph 1 or 2 of the preceding article, or the cancellation of the registration under the provisions of Paragraph 3 of the preceding article (referred to as "Order of Changes" in the succeeding paragraph), the Minister or the Governor shall make public notice of the date and place of the hearing.

3. The examination on the date of the hearing concerning the Order of Changes shall be conducted in public.

Article 53. Deleted.

(Narcotics Control Officer and Prefectural Narcotics Control Official)

Article 54. The Ministry of Health, Labour and Welfare shall employ narcotics control officers who shall be appointed by the Minister of Health, Labour and Welfare from among the officials of the Ministry of Health, Labour and Welfare.

2. The Governor of the Prefecture shall appoint prefectural narcotics control officials from among the officials of the prefecture after consultations with the Chief Prosecutor of the District Public Prosecutor's Office, at the same level as the district court having jurisdiction over the principal place of duty of the prefectural narcotics control officials appointed.

3. The numbers of narcotics control officers and of prefectural control officials for each prefecture shall be specified by a Cabinet Ordinance.

4. The qualification requirements for narcotics control officers shall be specified by a Cabinet Ordinance.

5. A narcotics control officer, under the supervision of the Minister of Health, Labour and Welfare, and a prefectural narcotics control official, under the supervision of the Governor of the Prefecture, shall perform the duties of a judicial police officer under the provisions of the Criminal Procedure Code (Law No. 131 of 1948) in relation to violations of this Law, the Cannabis Control Law, Opium Law, Stimulants Control Law (Law No. 252 of 1951), Law Concerning Special Provisions for the Narcotics and Psychotropics Control Law, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conducts and Other Activities Involving Controlled Substances through International Cooperation (Law No. 94 of 1991), or the crimes provided in Chapter 14, Part 2 of the Penal Code (Law No. 45 of 1907), or crimes committed due to the addiction to narcotics, opium or stimulants.

6. The judicial police officer under the provision of the preceding paragraph and the other judicial police personnel shall cooperate mutually in the performance of their duties.

7. A narcotics control officer and prefectural narcotics control official may, in case they perform their duties as a judicial police officer, carry a small-sized weapon.

8. The provisions of Article 7 of Law concerning Execution of Duties of Police Officials (Law No. 136 of 1948) shall apply *mutatis mutandis* to the use of the weapon in the preceding paragraph by a narcotics control officer and prefectural narcotics control official.

(Place of Performance of Duties of Narcotics Control Officer)

Article 55. A narcotics control officer shall belong to a Regional Bureau of Health and Welfare to be established under the provisions of a separate law and perform his duties within the jurisdictional area of the Regional Bureau of Health and Welfare to which he belongs.

2. A narcotics control officer may perform his duties even outside the jurisdictional area of the Regional Bureau of Health and Welfare to which he belongs where it is necessary for investigation.

(Cooperation between Narcotics Control Officer and Prefectural Narcotics Control Official)

Article 56. The Minister of Health, Labour and Welfare may, in case he considers specially necessary for investigation, request the Governor of the Prefecture to make the prefectural narcotics control officials under his jurisdiction cooperate with the narcotics control officers in respect of the specific case. In this case, the prefectural narcotics control officials concerned shall be under the supervision and direction of the Minister of Health, Labour and Welfare within the limits necessary for investigation.

2. The Governor of the Prefecture may, in case he considers specially necessary for investigation, apply to the Minister of Health, Labour and Welfare for the cooperation, in respect of the specific case, of the narcotics control officers who belong to the Regional Bureau of Health and Welfare having jurisdiction over the area of the Prefecture concerned. In this case, the Minister of Health, Labour and Welfare shall, if he considers it adequate, make the narcotics control officers concerned cooperate.

(Prefectural Narcotics Control Official and Duty Area)

Article 57. In case of necessity for investigation in addition to the case provided in the preceding paragraph, a prefectural narcotics control official may, when he has obtained the permission of the Minister of Health, Labour and Welfare, perform his duties even outside the area of the Prefecture to which he belongs.

(Receipt of Narcotics by Narcotics Control Officer and Prefectural Narcotics Control Official)

Article 58. Notwithstanding the provisions of this Law, a narcotics control officer and prefectural narcotics control official may, in connection with criminal investigation of narcotics crimes, receive narcotics from any person under the permission of the Minister of Health, Labour and Welfare.

CHAPTER V
MEASURES FOR NARCOTIC ADDICTS, ETC.

(Report by Medical Practitioner, etc.)

Article 58-2. A medical practitioner shall, in case he has diagnosed, as a result of the medical examination, that the medical examinee is a narcotic addict, promptly report the name, domicile, age, sex of such person and other matters provided in the Ministry of Health, Labour and Welfare Ordinance to the Governor of the Prefecture having jurisdiction over such person's place of

residence (signifying the place where such person is at present, in case such person has no place of residence or such place is unknown, and referred to as such hereinafter only in this Chapter).

2. The Governor of the Prefecture shall, in case he has received the report in the preceding paragraph, report to that effect to the Minister of Health, Labour and Welfare without undue delay.

(Report by Narcotics Control Officer, etc.)

Article 58-3. A narcotics control officer, a prefectural narcotics control official, a policeman and a maritime safety official shall, in case he has found any narcotic addict or any person who is suspected to be a narcotic addict, promptly report the name, domicile, age and sex *of* such person, and the reason why such person is considered to be a narcotic addict or a person who is suspected to be a narcotic addict, to the Governor of the Prefecture having jurisdiction over such person's place of residence.

(Report by Public Prosecutor)

Article 58-4. A public prosecutor shall, in case he has taken measures of non-prosecution to a suspect who is a narcotic addict or who is suspected to be a narcotic addict, or in case a judgement of a court (excluding an adjudication in which, imprisonment with forced labor, imprisonment without forced labor, or penal detention has been pronounced without suspension of execution of sentence thereof) has become finally binding with respect to the accused who is a narcotic addict or who is suspected to be a narcotic addict, promptly report the name, domicile, age and sex of such person to the Governor of the Prefecture having jurisdiction over such person's place of residence.

(Report by Chief of Correctional Institution)

Article 58-5. The chief of a correctional institution (signifying Prison, Reform and Training School, Juvenile Detention House and Juvenile Classification Home, and Woman's Guidance Home) shall, in case he releases an inmate who is a narcotic addict or who is suspected to be a narcotic addict, report in advance the name, place of return, age and sex of such person, date of release, the name and domicile of the caretaker of such person, and the reason why such person is considered to be a narcotic addict or a person who is suspected to be a narcotic addict, to the Governor of the Prefecture having jurisdiction over such person's place of return (signifying the location of the correctional institution concerned, in case such person has no place of return or such place is unknown).

(Medical Examination of Narcotic Addicts, etc.)

Article 58-6. The Governor of the Prefecture may, in case he considers necessary with respect to a narcotic addict or a person who is suspected to be a narcotic addict, have the designated physician of mental health examine such person.

2. In the case of the preceding paragraph, the designated physician of mental health shall, when he has diagnosed, under the methods and the standards provided in the Cabinet Ordinance, whether the medical examinee is a narcotic addict and whether it is necessary to adopt the measures of the hospitalization under the provisions of Article 58-8 with respect to such person and, as a result of the diagnosis, considers it necessary to adopt the measures of the hospitalization, under the provisions of the same article, determine provisionally the period of the

hospitalization within a period not more than 30 days pending the governor's decision under the provision of Paragraph 6 of the same article with respect to the narcotic addict in question.

3. The designated physician of mental health may, in case he considers necessary in order to conduct the medical examination in accordance with the provision of Paragraph 1, request the medical examinee to appear at the place to be used for that purpose or, within the necessary limit, to remain at the said place.

4. The Governor of the Prefecture shall, in case he have the designated physician of mental health examine a medical examinee in accordance with the provision of Paragraph 1, have a competent official attend the place of such examination.

5. The designated physician of mental health and a competent official may enter the place where the medical examinee resides, within the limit necessary for performing their duties in Paragraph 1 and the preceding paragraph.

6. The provisions of Paragraphs 3 and 4 of Article 50-38 shall apply *mutatis mutandis* to the entry in the preceding paragraph.

7. The designated physician of mental health shall, in case he conducts a medical examination under the provision of Paragraph 1, be careful not to hurt the honor of the medical examinee, and afford such examinee an opportunity of expressing his opinions on the matters provided in Paragraph 2.

8. The Governor of the Prefecture shall, in case the medical examinee, as a result of the medical examination under the provision of Paragraph 1, has been diagnosed as a narcotic addict, report to that effect to the Minister of Health, Labour and Welfare without undue delay.

(Duties of the Designated Physician of Mental Health)

Article 58-7. The designated physician of mental health shall, in addition to performing his duties provided in Article 19-4 of the Law Concerning Mental Health and Welfare for the Mentally Disordered (Law No. 123 of 1950), perform his duties designated by the Governor of the Prefecture as provided for in the preceding article.

(Measures of Hospitalization)

Article 58-8. The Governor of the Prefecture may, in case he finds, as a result of the medical examination by the designated physician of mental health under the provision of Paragraph 1 of Article 58-6, that the medical examinee is a narcotic addict and, if not hospitalized, regarding from the symptoms, the character and conduct, and the circumstances of such examinee, is particularly liable to repeatedly use narcotics, cannabis or opium owing to his narcotic addiction hospitalize such examinee to the hospital provided by Ministry of Health, Labour and Welfare Ordinance (hereinafter referred to as "Hospital for treatment of narcotic addict") and conduct the necessary medical treatment.

2. The administrator of a hospital for treatment of narcotic addict shall, in case he finds it necessary to continue hospitalization exceeding the period determined by the designated physician of mental health in accordance with the provision of Paragraph 2 of Article 58-6, with respect to the person who has been hospitalized to the hospital for treatment of narcotic addict in accordance with the provision of the preceding paragraph (hereinafter referred to as "hospitalized addict"), report the reason therefore and the period necessary for the further hospitalization to the Governor of the Prefecture.

3. The Governor of the Prefecture shall, in case he has received the report in the preceding paragraph and finds it necessary to continue hospitalization with respect to the hospitalized addict, report the reason therefore and the period necessary for the further hospitalization to the Narcotic Addiction Examination Committee and request the Committee to examine whether the reason and the period are adequate or not.
4. The Narcotic Addiction Examination Committee shall, in case the Committee has been requested in accordance with the provision of the preceding paragraph, examine whether the matters in question are adequate and report its decision thereof to the Governor of the Prefecture without undue delay. In this case, the Narcotic Addiction Examination Committee shall, when the Committee considers it adequate to discharge the hospitalized addict prior to the expiration of the period determined by the designated physician of mental health in accordance with the provision of Paragraph 2 of Article 58-6, report the date when the hospitalized addict is to be discharged to the Governor of the Prefecture.
5. The Narcotic Addiction Examination Committee shall, in case the Committee makes an examination under the preceding paragraph, hear the opinions of the hospitalized addict and the medical practitioner in charge of the treatment of the hospitalized addict in the hospital for treatment of narcotic addict.
6. The Governor of the Prefecture shall, in accordance with the decision of the Narcotic Addiction Examination Committee reported in accordance with the provision of Paragraph 4, discharge the hospitalized addict, or decide the period of hospitalization of the hospitalized addict and notify the period to the administrator of the hospital for treatment of narcotic addict concerned and the hospitalized addict.
7. The administrator of a hospital for treatment of narcotic addict shall, in case he has not received the report in the preceding paragraph within the period determined by the designated physician of mental health in accordance with the provision of Paragraph 2 of Article 58-6, discharge the hospitalized addict.
8. The period of the hospitalization under the provision of Paragraph 6 shall not exceed 3 months computing from the day of the beginning of the hospitalization of the hospitalized addict.

(Prolongation of Hospitalization Period)

Article 58-9. The period of the hospitalization under the provision of Paragraph 6 of the preceding article may, within the period not more than 6 months in all computing from the day of the beginning of the hospitalization of the hospitalized addict, be prolonged within the limit of 2 months each time.

2. The provisions of Paragraphs 2 to 7 of the preceding article shall apply *mutatis mutandis* to the prolongation of the period of the hospitalization under the preceding paragraph.

(Behaviour Restriction)

Article 58-10. The administrator of a hospital for treatment of narcotic addict may set the necessary limits to the behaviour of a hospitalized addict within the limit indispensable for medical treatment of the addict.

(Custody of Belongings)

Article 58-11. The Governor of the Prefecture may, in case there is any article in his belongings, that obstructs the medical treatment of the hospitalized addict, make the competent official take it into his custody during the hospitalization of the addict.

(Discharge)

Article 58-12. The Governor of the Prefecture shall, in case he finds it unnecessary to continue the hospitalization of a hospitalized addict any more, discharge the addict without undue delay. In this case, the Governor of the Prefecture shall, in advance, hear the opinion of the administrator of the hospital for treatment of narcotic addict concerned.

2. The administrator of a hospital for treatment of narcotic addict shall, in case he finds it unnecessary to continue the hospitalization of a hospitalized addict any more regarding from the symptoms and other conditions of addict, report to that effect to the Governor of the Prefecture without undue delay.

(Narcotic Addiction Examination Committee)

Article 58-13. The Narcotic Addiction Examination Committee shall be established in the Prefecture to make the examination under the provision of Paragraph 4 of Article 58-8 (including the case where it applies *mutatis mutandis* under the provision of Paragraph 2 of Article 58-9).

2. Notwithstanding the provision, the Prefecture may establish a Narcotic Addiction Examination Committee under its ordinance if considered necessary by the governor to continue the hospitalization of a hospitalized addict under the provisions of Paragraph 3 of Article 58-8, provided that the Narcotic Addiction Examination Committee shall be terminated when the addict is dehospitalized.

3. The Narcotic Addiction Examination Committee shall consist of live members.

4. The members shall be appointed by the Governor of the Prefecture from among the persons with knowledge and experience concerning the medical treatment of narcotic addicts or laws.

5. Except what are prescribed in the preceding three paragraphs, necessary matters concerning the Narcotic Addiction Examination Committee shall be prescribed by the Cabinet Ordinance.

(Medical Treatment Policy and Amount of Treatment Fee in the Case of Hospitalization)

Article 58-14. The medical treatment policy concerning the medical treatment conducted for the hospitalized addict by hospital for treatment of narcotic addict and the methods of counting the medical treatment fee thereof shall comply with the instance of the medical treatment policy and the methods of counting the medical treatment fee in the case of Health Insurance.

2. The medical treatment policy and the methods of counting the medical treatment fee thereof shall, in case it is impossible or inappropriate that they comply with the instance of the medical treatment policy and the methods of counting the medical treatment fee provided in the preceding paragraph, be determined by the Minister of Health, Labour and Welfare.

(Entrusting the Business to the Social Insurance Medical Care Fee Payment Fund)

Article 58-15. The Prefecture may entrust the Social Insurance Medical Care Fee Payment Fund with the business of checking up whether the medical treatment conducted for a hospitalized addict by a hospital for treatment of narcotic addict is in conformity to the medical treatment policy provided in the preceding article and of counting the medical treatment fee thereof, and the business concerning the payment of the medical care fee to the establisher of a hospital for treatment of narcotic addict.

(Reports, etc.)

Article 58-16. The Minister of Health, Labour and Welfare or the Governor of the Prefecture may, in case he considers necessary in order to check up whether the medical care fee has been duly charged by a hospital for treatment of narcotic addict, collect necessary report from the administrator of the hospital for treatment of narcotic addict, or have the competent official examine the record of treatment or other books (including the relevant electromagnetic record if an electromagnetic record (any record that is produced by electronic means, magnetic means, or any other means unrecognizable with human perception to be used for the purpose of information processing by computers) is produced or preserved in place of the production or preservation therein) on the spot with agreement of the administrator of the hospital for treatment of narcotic addict.

2. The Minister of Health, Labour and Welfare or the Governor of the Prefecture may suspend temporarily or suspend the payment of medical care fee by the Prefecture to a hospital for treatment of narcotic addict, in case the administrator of the hospital for treatment of narcotic addict concerned, without good reason, has refused to submit the report in the preceding paragraph, made a false report or refused to give the agreement in the preceding paragraph.

Article 58-17.- When the Governor of the Prefecture hospitalizes a narcotic addict, in accordance with the provision of Paragraph 1 of Article 58-8, the Prefecture shall bear the expenses required for such hospitalization.

2. Regarding the expenses to be borne by the Prefecture under the preceding paragraph, Article 30-2 of the Law Concerning Mental Health and Welfare for the Mentally Disordered shall apply *mutatis mutandis* .

(Counselor for Narcotic Addict, etc.)

Article 58-18. The Prefecture may have counsellors for narcotic addicts and for persons who are in the abuse of psychotropics.

2. The counselor in the preceding paragraph shall give advice and necessary guidance to narcotic addicts or former narcotic addicts, and abusers of psychotropics or former abusers of psychotropics, and perform any other incidental duties thereof.

3. The counselor in Paragraph 1 shall be a part-time service official and be appointed by the Governor of the Prefecture from among those who are persons of popularity in the society and possess eagerness, knowledge and opinion necessary for performing the duties provided in the preceding paragraph.

(Keeping of Secret)

Article 58-19. Any designated physician of mental health, personnel of a hospital for treatment of narcotic addicts, member of the Narcotic Addiction Examination Committee or counsellor in Paragraph 1 of the preceding article shall not leak out any secret of other person that he comes to know concerning the performance of his duties in accordance with the provisions of this Law both during and after his term of office.

CHAPTER VI
MISCELLANEOUS PROVISIONS

(Payment of Expenses by the Prefecture)

Article 59. The following expenses shall be paid by the Prefecture.

- (1) The expenses required for prefectural narcotics control officials established in accordance with the provision of Paragraph 2 of Article 54 and the expenses required directly for performing the duties, in accordance with the provision of Paragraph 1 of Article 56, by prefectural narcotics control officials outside the jurisdictional area of the Prefecture to which the prefectural narcotics control officials concerned belongs
- (2) The expenses required for medical examination made by the designated physician of mental health in accordance with the provision of Paragraph 1 of Article 58-6
- (3) The expenses to be borne in accordance with the provision of Paragraph 1 of Article 58-17
- (4) The expenses required for the Narcotic Addiction Examination Committee established in accordance with the provision of Paragraph 1 or 2 of Article 58-13
- (5) The expenses required for the counselor established in accordance with the provision of Paragraph 1 of Article 58-18

(Expenses Borne by the State)

Article 59-2. The State shall bear, in accordance with the provisions of the Cabinet Ordinance, the following expenses paid by the Prefecture in accordance with the provisions of the preceding article:

- (1) All expenses prescribed in Item (1) of the preceding article;
- (2) Three fourths of the expenses prescribed in Item (3) of the preceding article.

(Subsidy by the State)

Article 59-3. The State may bear, in accordance with the provisions of the Cabinet Ordinance and within the limits of its budget, not more than five tenths of the following expenses:

- (1) The expenses paid by the Prefecture in accordance with the provision of Item (5) of Article 59;
- (2) The expenses required for the institution of hospital for treatment of narcotic addicts to be established by the Prefecture, city, town or village, or non profit-making juridical person.

(Collection of Expenses)

Article 59-4. The Governor of the Prefecture may collect the whole or a part of expenses prescribed in Item (3) of Article 59 from the hospitalized addict, his spouse or the person responsible for his support provided in Paragraph 1 of Article 877 of Civil Code (Law No. 89 of 1896) according to the bearing capacity of each of them.

(Fee)

Article 59-5. Any person who comes under any of the following items shall pay the fee fixed by the Cabinet Ordinance taking into consideration the actual expenses:

- (1) A person who applies for the license of a narcotics importer;
- (2) A person who applies for the license of a narcotics exporter;
- (3) A person who applies for the license of a narcotics manufacturer;
- (4) A person who applies for the license of a narcotics compounder;
- (5) A person who applies for the license of the manufacturer of exempt narcotics preparations;
- (6) A person who applies for the license of a narcotics central wholesale dealer;
- (7) A person who applies for the license of a psychotropics importer;
- (8) A person who applies for the license of a psychotropics exporter;
- (9) A person who applies for the license of a psychotropics manufacturer/ compounder;
- (10) A person who applies for the license of a psychotropics utilizer;
- (11) A person who applies for the registration of the proprietor of a psychotropics research institution (only those registered by the Minister of Health, Labour and Welfare);
- (12) A person who applies for the reissue of a license of a narcotics importer, a narcotics exporter, a narcotics manufacturer, a narcotics compounder, a manufacturer of exempt narcotics preparations, a narcotics central wholesale dealer, a psychotropics importer, a psychotropics exporter, a psychotropics manufacturer/ compounder or a psychotropics utilizer, or of a registration card of the proprietor of a psychotropics research institution (only those registered by the Minister of Health, Labour and Welfare);

(Conditions of License or Permission)

Article 59-6. Conditions may be attached to the license or permission provided in this law, and they may be altered.

2. The conditions of the preceding paragraph shall be limited to the minimum necessity for the purpose of preventing health and hygiene from harm caused by the abuse of narcotics or psychotropics and unfair duties shall not be imposed on those who obtain the license or permission.

(Disposition of Narcotics or Psychotropics Reverted to the National Treasury)

Article 60. The Minister of Health, Labour and Welfare may make a necessary disposition in respect to the narcotics or psychotropics which have been reverted to the national treasury in accordance with the provisions of laws and ordinances.

(Exemption for Narcotics, etc. used for Criminal Identification)

Article 60-2. Notwithstanding the provisions of this law, the Minister of Health, Labour and Welfare may import, manufacture or receive narcotics or psychotropics to be used for criminal identification of narcotics or psychotropics.

2. The Minister of Health, Labour and Welfare shall supply the narcotics or psychotropics imported, manufactured or received in accordance with the provision of the preceding paragraph to national or prefectural organizations engaged in criminal identification of narcotics or psychotropics.

3. Officials of the organization in the preceding paragraph may use or possess, for the purpose of criminal identification of narcotics, the narcotics supplied from the Minister of Health, Labour and Welfare in accordance with the provision of the same paragraph.

4. The chief of the organization which has been supplied with the narcotics or psychotropics from the Minister of Health, Labour and Welfare in accordance with the provision of Paragraph 2 shall keep a book and enter therein the names and quantities of the narcotics or psychotropics used for criminal identification of narcotics or psychotropics, the dates of use, and other matters provided in the Ministry of health, Labour and Welfare Ordinance.

5. The Minister of Health, Labour and Welfare may, in case where he has received a request from the government of a foreign country to the effect that it intends to import narcotics or psychotropics to be used for criminal identification of narcotics or psychotropics, notwithstanding the provisions of this law, export to the government of the country concerned the narcotics or psychotropics imported, manufactured or received in accordance with the provision of Paragraph 1, or the narcotics or psychotropics reverted to the national treasury in accordance with the provisions of laws and ordinances.

(Payment for Certificate Stamp)

Article 61. A narcotics importer, narcotics manufacturer or narcotics compounder shall, in case he applies for supply of the certificate stamps provided in Paragraph 1 of Article 30, pay to the State the prices fixed by Ministry of Health, Labour and Welfare Ordinance within the limits of the costs of the certificate stamps.

(Case of Any Single Person Granted Not Less Than Two Qualifications)

Article 62. If any single person has not less than two licenses as a narcotics dealer, or if a narcotics dealer is concurrently the proprietor of a narcotics medical institution or a narcotics research institution, he shall be deemed to be a separate narcotics handler in respect to each qualification in connection with the application of the provisions of this law concerning transfer and receipt of narcotics. The same shall apply to the proprietor of not less than two narcotics medical institution or narcotics research institutions by an individual, or the case that the proprietor of a narcotics medical institution establishes a narcotics research institution.

2. If any single person has not less than two licenses as a psychotropics dealer, or a psychotropics dealer himself is concurrently the proprietor of a hospital, etc., or the proprietor of a psychotropics research institution, he shall be deemed to be a separate psychotropics handler in respect of each qualification in connection with the application of the provisions concerning transfer of psychotropics in this law. The same shall apply to the proprietor of not less than two hospital, etc. or psychotropics research institutions by an individual; or the case that the proprietor of a hospital, etc., establishes a psychotropics research institution.

(Classification of Affairs)

Article 62-2. The affairs to be administered by a prefecture under Articles 29 and 35, Paragraphs 1 and 3 of Article 36 (including cases where these provisions are applied *mutatis mutandis* in Paragraph 4 of the same article), Articles 46 through 49 and 50-22, Paragraphs 2 and 3 of Article 50-24, Article 50-33, Paragraphs 1 and 2 of Article 50-38, Article 50-39 and 58-2 through 58-5, Paragraphs 1, 4, 5 and 8 of Article 58-6, Paragraph 1 of Article 58-8, Paragraphs 2 through 6 of the same article (including cases where these provisions are applied *mutatis mutandis* in Paragraph 2 of Article 58-9), Articles 58-11, 58-12 and 58-16, shall fall under the Class A Statutory Delegated Affairs specified in Item 1 of Paragraph 9 of Article 2 of the Local Autonomy Law (Law No. 67 of 1947).

(Delegation of Authority)

Article 62-3. The authority of the Minister of Health, Labour and Welfare prescribed in this Law may be delegated to the Director General of a Regional Bureau of Health and Welfare, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

2. The authority delegated to the Director General of a Regional Bureau of Health and Welfare under the preceding paragraph may be delegated to the Director of a branch of the Regional Bureau of Health and Welfare, or to the Director of a branch of a regional narcotics control office, in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance.

(Transitional Measures)

Article 62-4. When a Cabinet Ordinance or Ministry of Health, Labour and Welfare Ordinance is enacted, amended or repealed in accordance with the provisions of this Law, necessary transitional measures (including those in regard to the penal provisions) may be provided for in such ordinance in so far as such measures are deemed to be reasonably necessary in connection with such enactment, amendment or repeal.

(Provision Necessary for Enforcement of This Law)

Article 63. Except the Cabinet Ordinances entrusted by this Law, the procedures and other regulations necessary for enforcement of this Law shall be provided by the Ministry of Health, Labour and Welfare Ordinance.

CHAPTER VII
PENAL PROVISIONS

Article 64. Any person who unlawfully imports to Japan or any other country, exports from Japan or any other country, or manufactures diacetylmorphine, etc. shall be liable to penal servitude for a limited term not less than 1 year.

2. Any person who commits an offense prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude from 3 years to life inclusive or to both penal servitude from 3 years to life inclusive and to a fine not exceeding 10,000,000 yen according to circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

Article 64-2. Any person who unlawfully compounds, subdivides, transfers, receives, supplies, or possesses diacetylmorphine, etc. shall be liable to penal servitude not exceeding 10 years.

2. Any person who commits an offense prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude for a limited term not less than 1 year or to both penal servitude for a limited term not less than 1 year and a fine not exceeding 5,000,000 yen according to circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

Article 64-3. Any person who, in contravention of the provision of Paragraph 1 or 4 of Article 12, administers, destroys, or undergoes the administering of diacetylmorphine, etc. shall be liable to penal servitude not exceeding 10 years.

2. Any person who commits an offense prescribed in the preceding paragraph, for the purpose of gain, shall be liable to penal servitude for a limited term not less than 1 year or to both penal servitude for a limited term not less than 1 year and a fine not exceeding 5,000,000 yen according to the circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

Article 65. Any person who comes under any of the following items shall be liable to penal servitude from 1 to 10 years inclusive.

- (1) A person who unlawfully imports to Japan or any other country, exports from Japan or any other country, or manufactures narcotics other than diacetylmorphine, etc. (excluding a person who comes under any of the provisions of Items (1) through (3) of Article 69);
- (2) person who unlawfully cultivates a narcotic plant.

2. Any person who commits an offense prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude for a limited term not less than 1 year or to both penal servitude for a limited term not less than 1 year and a fine not exceeding 5,000,000 yen according to circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

Article 66. Any person who unlawfully compounds, subdivides, transfers, receives, or possesses narcotics other than diacetylmorphine, etc. shall be liable to penal servitude not exceeding 7 years (not including a person who comes under any of the provisions of Items (4) or (5) of Article 69, or Item (5) of Article 70).

2. Any person who commits an offence prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude from 1 to 10 years inclusive or to both penal servitude from 1 to 10 years inclusive and a fine not exceeding 3,000,000 yen according to circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

Article 66-2. Any person who violates the provisions of Paragraph 1 or Paragraphs 3 through 5 of Article 27 shall be liable to penal servitude not exceeding 7 years.

2. Any person who commits an offence prescribed in the preceding paragraph, for the purpose of gain, shall be liable to penal servitude from 1 to 10 years inclusive or to both penal servitude from 1 to 10 years inclusive and a fine not exceeding 3,000,000 yen according to the circumstances.

3. An attempt to commit any of the offenses prescribed in the preceding two paragraphs shall be liable to punishment.

Article 66-3. Any person who unlawfully imports to Japan or any other country, exports from Japan or any other country, manufactures, compounds, or subdivides psychotropics (excluding a person who comes under the provision of Item (15) or (16) of Article 70) shall be liable to penal servitude not exceeding 5 years.

2. Any person who commits an offence prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude not exceeding 7 years or to both penal servitude not exceeding 7 years and a fine not exceeding 2,000,000 yen according to circumstances.

3. An attempt to commit any of the offences prescribed in the preceding two paragraphs shall be liable to punishment.

Article 66-4. Any person who unlawfully transfers or possesses for transfer, psychotropics (excluding a person who comes under the provision of Item (17) of Article 70 or Item (6) of Article 72) shall be liable to penal servitude not exceeding 3 years.

2. Any person who commits an offence prescribed in the preceding paragraph for the purpose of gain shall be liable to penal servitude not exceeding 5 years or to both penal servitude not exceeding 5 years and a fine not exceeding 1,000,000 yen according to circumstances.

3. An attempt to commit any of the offences prescribed in the preceding two paragraphs shall be liable to punishment.

Article 67. Any person who commits any preparatory act in connection with any of the offences prescribed in Paragraph 1 or 2 of Article 64 or Paragraph 1 or 2 of Article 65 shall be liable to penal servitude not exceeding 5 years.

Article 68. Any person who, with knowledge of the circumstances, provides the fund, land, building, ship, aircraft, motor vehicle, equipment, machinery, tools or raw material (including seeds of a narcotic plant) required for the act of committing any of the offences prescribed in Paragraph 1 or 2 of Article 64 or Paragraph 1 or 2 of Article 65 (hereinafter collectively referred to as the "fund, etc." in Article 69-4) or transports, shall be liable to penal servitude not exceeding 5 years.

Article 68-2. Any person who mediates to transfer or receive narcotics, under the offences prescribed in Paragraph 1 or 2 of Article 64-2 or Paragraph 1 or 2 of Article 66, shall be liable to penal servitude not exceeding 3 years.

Article 69. Any person who comes under any of the following items shall be liable to penal servitude not exceeding 3 years, or to a fine not exceeding 500,000 yen, or to both.

- (1) A person who, in contravention of the provision of Paragraph 1 of Article 14, imports narcotics without the permission;
- (2) A person who, in contravention of the provision of Paragraph 1 of Article 18, exports narcotics without the permission;
- (3) A person who, in contravention of the provision of Paragraph 1 of Article 21, manufactures narcotics or exempt narcotics without the permission;
- (4) A person who, in contravention of the provision of Paragraph 1 of Article 23, compounds or subdivides narcotics without the permission;
- (5) A person who violates the provision of Article 25;
- (6) A person who violates the provision of Article 29-2;
- (7) A person who violates the order of suspension of business or research work under the provision of Paragraph 1 of Article 51.

Article 69-2. Any person who commits a preparatory act in connection with any of the offences prescribed in Paragraph 1 or 2 of Article 66-3 shall be liable to penal servitude not exceeding 2 years.

Article 69-3. Any narcotics or psychotropics possessed or owned by a criminal under the offences prescribed in Articles 64 through 67 or the preceding article shall be liable to confiscation. However, in case it belongs to any other person than the criminal, the confiscation may be avoided.

2. Any ship, aircraft or motor vehicle used for transportation of narcotics or psychotropics in the course of committing any of the offences prescribed in the preceding paragraph (excluding the offences prescribed in Articles 64-3 and 66-2) shall be liable to confiscation.

Article 69-4. Any person who, with knowledge of the circumstances, provides the funds, etc. required for the act of committing any of the offences prescribed in Paragraph 1 or 2 of Article 66-3 or transports, shall be liable to penal servitude not exceeding 2 years.

Article 69-5. Any person who mediates to transfer or receive psychotropics under the offences prescribed in Paragraph 1 or 2 of Article 66-4, shall be liable to penal servitude not exceeding 1 year.

Article 69-6. The provision of Article 2 of the Penal Code shall apply to any of the offences prescribed in Articles 64, 64-2, 65, 66, 66-3 through 68-2, 69-2, and 69-4, and the preceding article.

Article 70. Any person who comes under any of the following items shall be liable to penal servitude not exceeding 1 year, or to a fine not exceeding 200,000 yen, or to both.

- (1) A person who violates the provision of Paragraph 3 of Article 4;
- (2) A person who violates the provision of Paragraph 2 of Article 19;
- (3) A person who makes false entries in writing of a prescription under the provision in Paragraph 6 of Article 27;
- (4) A person who destroys narcotics in contravention of the provision of Article 29;
- (5) A person who violates the provisions of Paragraphs 1 to 3 of Article 30 or Article 31;
- (6) A person who supplies narcotics without the receipt of the certificate of receipt under the provision of Paragraph 1 of Article 32;
- (7) A person who supplies narcotics without the issue of the certificate of transfer under the provision of Paragraph 1 of Article 32;
- (8) A person who gives false description in the certificate of receipt or the certificate of transfer in contravention of the provision of Paragraph 1 of Article 32, or who makes false entries in the electromagnetic record in contravention of the provision of Paragraph 3 of the same article;
- (9) A person who violates the provision of Paragraph 3 of Article 32, Article 33 or Article 34;
- (10) A person who submits the false report/notification in contravention of the provisions of Paragraph 1 or 2 of Article 35, or Paragraph 1 of Article 36, (including the case where it applies *mutatis mutandis* in the provision of Paragraph 4 of the same article) or Paragraph 3 of the same article (including the case where it applies *mutatis mutandis* in the provision of Paragraph 4 of the same article);
- (11) A person who fails to keep a book, or makes no entry or false entries in the book in contravention of the provision of Paragraph 1 of Article 37, Paragraph 1 of Article 38, Paragraph 1 of Article 39 or Paragraph 1 of Article 40;
- (12) A person who fails to preserve a book in contravention of the provisions of Paragraph 2 of Article 37, Paragraph 2 of Article 38, Paragraph 3 of Article 39 or Paragraph 3 of Article 40;
- (13) A person who gives false entries in the clinical record book or in the record book of treatment under the provision of Article 41;
- (14) A person who forges or alters a narcotics prescription;
- (15) A person who imports psychotropics without the permission in contravention of the provisions of Paragraph 1 or 2 of Article 50-9;
- (16) A person who exports psychotropics without the permission in contravention of the provisions of Paragraph 1 or 2 of Article 50-12 or Paragraph 1 of Article 50-13 ;
- (17) A person who violates the provision of Article 50-17;
- (18) A person who violates the provisions of Article 29-2 applied *mutatis mutandis* in Article 50-18;
- (19) A person who violates the orders provided in Article 50-39 through Article 50-41;
- (20) A person who violates the order of the suspension of the business provided in Paragraph 2 of Article 51;
- (21) A person who violates the provisions of Article 58-19;

Article 71. Any person who violates the provisions of Paragraph 1 or 2 of Article 35, Paragraph 1 of Article 36 (including the case where it applies *mutatis mutandis* in the provision of Paragraph 4 of the same article), or Paragraph 3 of the same article (including the case where it applies *mutatis mutandis* in the provision of Paragraph 4 of the same article), Paragraph 2 of Article 39, Paragraph 2 of Article 40, Article 41, Paragraph 2 of Article 50-15 or Paragraph 1 of Article 58-2, shall be liable to penal servitude not exceeding 6 months, or to a fine not exceeding 200,000 yen, or to both.

Article 72. Any person who comes under any of the following items shall be liable to fine not exceeding 200,000 yen.

- (1) A person who violates the provisions of Paragraph 1 of Article 7 (including the case where it applies *mutatis mutandis* in the provision of Paragraph 2 of the same article) or Paragraph 3 of the same article, Article 15 or Paragraph 6 of Article 18;
- (2) A person who fails to submit the report or submits the false report in contravention of the provisions of Article 42 through Article 45, Paragraph 1 of Article 46, or Article 47 through Article 49;
- (3) A person who violates the provisions of Paragraph 3 of Article 4 applied *mutatis mutandis* in Article 50-4 or Article 50-7;
- (4) A person who forges or alters a psychotropics prescription;
- (5) A person who violates the provision of Article 19-2 applied *mutatis mutandis* in Article 50-18;
- (6) A person who violates the provision of Article 50-19;
- (7) A person who fails to submit the report, or submits the false report in contravention of the provision of Paragraph 1 of Article 50-22;
- (8) A person who makes no entry or false entries in contravention of the provisions of Paragraph 1 through 3 of Article 50-23;
- (9) A person who fails to preserve the records in contravention of the provision of Paragraph 4 of Article 50-23;
- (10) A person who fails to submit the report, or submits the false report in contravention of the provisions of Article 50-27;
- (11) A person who fails to submit the report, submits the false report, or refuses, prevents or evades the entry, examination or removal in contravention of the provision of Paragraph 1 of Article 50-38;

Article 73. Any person who comes under any of the following items shall be liable to a fine not exceeding 200,000 yen.

- (1) A person who refuses, prevents or evades medical examination by the designated physician of mental health under the provision of Paragraph 1 of Article 58-6;
- (2) A person who is requested to appear in accordance with the provision of Paragraph 3 of Article 58-6 but fails to do so or who is requested to remain in accordance with the provision of the same paragraph, but fails to do so;
- (3) A person who refuses or prevents the entry under the provision of Paragraph 5 of Article 58-6.

Article 73-2. Any person who comes under any of the following items shall be liable to a fine not exceeding 100,000 yen.

- (1) A person who violates the provision of Paragraph 1 or 3 of Article 7 applies *mutatis mutandis* to Article 50-4 or Article 50-7, Article 15 applied *mutatis mutandis* to Paragraph 3 or 4 of Article 50-9, Paragraph 6 of Article 18 applied *mutatis mutandis* to Paragraph 3 or 4 of Article 50-12 or Paragraph 2 of Article 50-13, Article 50-10, Paragraph 6 of Article 50-13 or Article 50-14;
- (2) A person who fails to submit the report, or submits the false report in contravention of the provisions of Paragraph 1 or 2 of Article 50-24;
- (3) A person who violates the provision of Article 50-28;
- (4) A person who fails to submit the report/notification, or submits the false report/notification in contravention of the provisions of Article 50-29 through 50-32 or Paragraph 1 of Article 50-33;
- (5) A person who makes no record or false records in contravention of the provision of Paragraph 1 of Article 50-34;
- (6) A person who fails to preserve the records in contravention of the provision of Paragraph 2 of Article 50-34;
- (7) A person who violates the provision of Article 19-2 applied *mutatis mutandis* in Article 50-35;
- (8) A person who fails to submit the report, submits the false report, or refuses, prevents or evades the examination in contravention of the provision of Paragraph 2 of Article 50-38.

Article 74. When any representative of a juridical person, any agent, employee or other person engaging in the business of a juridical person or natural person commits any of the offences, in connection with business activities of either the juridical person or natural person concerned, as prescribed in Paragraph 2 or 3 of Article 64, Paragraph 2 or 3 of Article 64-2, Paragraph 2 or 3 of Article 65, Paragraph 2 or 3 of Article 66, Paragraph 2 or 3 of Article 66-3, or Paragraph 2 or 3 of Article 66-4, or who violates the provisions of Paragraph 2 or 3 of Article 64-3, Paragraph 2 or 3 of Article 66-2, Article 69, Articles 70 through 72, or the preceding Article, such actor shall be liable to punishment as well as the juridical person or natural person concerned punished with a fine under an applicable article.

Article 75. Any person who violates the provisions of Article 8 (including the case where it applies *mutatis mutandis* to the provisions of Article 50-4 or Article 50-7) or Article 10 (including the case where it applies *mutatis mutandis* to Article 50-4 or Article 50-7) shall be liable to a non-penal fine not exceeding 100,000 yen.

Article 76. In connection with application of the provisions of this Chapter, a narcotics which is unable to be identified as the diacetylmorphine, etc., the narcotics provided in Paragraph 2 of Article 12 or narcotics other than these narcotics shall be deemed to be a narcotics other than the diacetylmorphine, etc. and the narcotics provided in Paragraph 2 of the same article.

TABLE 1 NARCOTICS

1. Acetylmethadol and its salts
2. Alphacetylmethadol and its salts
3. Betacetylmethadol and its salts
4. Noracetylmethadol and its salts
5. Anileridine and its salts
6. Nalorphine, its esters and its salts
7. Allylprodine and its salts
8. Ecgonine and its salts
9. Ethylmethylthiambutene and its salts
10. Alphameprodine and its salts
11. Betameprodine and its salts
12. Clonitazene and its salts
13. Cocaine, esters of Ecgonine, and its salts
14. Coca Leaf
15. Codeine, Ethylmorphine, ethers of Morphine, and its salts
16. Heroin, esters of Morphine, and its salts
17. Diphenoxylate and its salts
18. Methadone Intermediate and its salts
19. Pethidine Intermediate A and its salts
20. Etonitazene and its salts
21. Diethylthiambutene and its salts
22. Hydrocodone, its esters, and its salts
23. Dihydrocodeine, its esters, and its salts
24. Desomorphine, its esters, and its salts
25. Oxycodone, its esters, and its salts
26. Oxymorphone and its salts
27. Dihydromorphine, its esters, and its salts
28. Hydromorphone, its esters, and its salts
29. Dipipanone and its salts
30. Dimenoxadol and its salts
31. Dimethylthiambutene and its salts
32. Normethadone and its salts
33. Dimepheptanol and its salts

34. Alphamethadol and its salts
35. Betamethadol and its salts
36. Methadone and its salts
37. Propoxyphene and its salts
38. Isomethadone and its salts
39. Proheptazine and its salts
40. Alphaprodine and its salts
41. 13etaprodine and its salts
42. Thebaine and its salts
43. Trimeperidine and its salts
44. Nicocodine and its salts
45. Normorphine, its ethers, and its salts
46. Etoxidine and its salts
47. 1hydromorphinol and its salts
48. Levophenacymorphan and its salts
49. Phenoperidine and its salts
50. Ketobemidone and its salts
51. 1-hydroxypethidine and its salts
52. Phenomorphan and its salts
53. Levorphanol and its salts
54. Norlevorphanol and its salts
55. Furethidine and its salts
56. Pethidine intermediate B and its salts
57. Piminodine and its salts
58. Phenazocine and its salts
59. Metazocine and its salts
60. Benzethidine and its salts
61. Methyldihydromorphine and its salts
62. Metopon and its salts
63. Methyldesorphine and its salts
64. Phenampromide and its salts
65. Properidine and its salts
66. Diampromide and its salts
67. Moramide and its salts

68. 3-Methyl-4-morpholino-2,2-diphenylbutyric acid (also called Moramide intermediate) and its salts
69. Levomethorphan and its salts
70. Morphine and its salts
71. Morphine-N-oxide, other pentavalent nitrogen morphine derivatives
72. Morpheridine and its salts
73. Phenadoxone and its salts
74. Dioxaphetyl butyrate and its salts
75. Any substance with similar risk of abuse and harmful effect as those listed in the preceding items and designated by the Cabinet Ordinance
76. Any substance which contains any of the substances listed in the preceding items, other than opium, except for the followings.
 - a) A substance which contains less than 10/1000 of codeine, dihydrocodeine, or their salts (not containing any other substances listed in the preceding items)
 - b) A plant other than narcotic plant (including its parts)

TABLE II NARCOTIC PLANT

1. *Erythroxylon coca* Lamarck
2. *Erythroxylon navogranatense* Hieron
3. *Papaver hracteatum* Lindl
4. Any plants designated by Cabinet Ordinance

TABLE III PSYCHOTROPICS

1. Phenobarbital and its salts
2. Pentobarbital and its salts
3. Diazepam and its salts
4. Oxazolam and its salts
5. Clotiazepam and its salts
6. Chlordiazepoxide and its salts
7. Barbital and its salts
8. Nitrazepam and its salts
9. Methylphenidate and its salts
10. Pentazocine and its salts

11. Any substance with similar risk of abuse and harmful effect as those listed in the preceding items and designated by the Cabinet Ordinance
12. Any substance which contains any of the substances listed in the preceding items

TABLE IV NARCOTICS/ PSYCHOTROPICS RAW MATERIAL

1. Acetone
2. Anthranilic acid and its salts
3. Ethylether
4. Ergotamine and its salts
5. Ergometrine and its salts
6. Piperidine and its salts
7. Acetic anhydride
8. Lysergic acid and its salts
9. Any substance which can be raw material of Narcotics/Psychotropics and is designated by the Cabinet Ordinance
10. Any substance which contains any of the substances listed in the preceding items

Supplemental Provisions

Article 3. (Omitted)

2. The license of a person who has been regarded as the person obtained the license for a psychotropics wholesale dealer or psychotropics retail dealer in accordance with the provision of the preceding paragraph shall become null and void in accordance with the provision of Article 50-3. This shall also apply to a case where comes under any of the following items.

(1) Where the validity of license of Paragraph 1 of Article 4 or Paragraph 1 of Article 26 of the Pharmaceutical Affairs Law has become null and void in accordance with Paragraph 2 of Article 4 or Paragraph 2 of Article 24 of the same law

(2) (Omitted)

(3) Where the license of Paragraph 1 of Article 4 or Paragraph 1 of Article 26 of the Pharmaceutical Affairs Law has been cancelled in accordance with the provision of Paragraph 1 of Article 75 of the same law

3. In the case of text of the Paragraph 1, the manager of a pharmacy as prescribed by Paragraph 3 of Article 7 of the Pharmaceutical Affairs Law concerning the pharmacy established by the proprietor of the pharmacy, or the manager of a drug seller as prescribed in Paragraph 3 of Article 7 of the same law applied *mutatis mutandis* to Article 27 of the same law concerning a person who has obtained the license for the professional sale of drugs, shall be regarded as a psychotropics administrator provided for in Paragraph 1 of Article 50-20.

4. (Omitted)

