



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.*

BOLIVIA

Communicated by the Government of Bolivia

NOTE BY THE SECRETARIAT

- a) International non-proprietary names in the text have been underlined by the Secretariat.
- b) 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.
- c) 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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E/NL.1981/65

DECREE LAW No. 18714

NATIONAL DANGEROUS SUBSTANCES CONTROL ACT

GENERAL CELSO TORRELIO VILLA
President of the Republic

CONSIDERING:

That drug addiction affects increasingly large sectors of the population in the developed societies and is gradually but steadily encroaching into developing countries like Bolivia as a consequence of the interdependence of the world today, which makes it easy for the illegal habits of these more advanced societies to be transmitted;

That the protection of society requires the adoption of strict preventive measures against drug traffickers, a general term that includes both producers of the raw material and manufacturers and marketers of dangerous substances, because this dishonest and anti-social activity generally draws its victims from among those whose instability, immaturity or snobbishness make them easy prey for such illegal action;

That drug trafficking produces abundant profits, with the result that this activity extends beyond national frontiers to become a true transnational industry with its own marketing arrangements, backed up by huge financial resources and sophisticated material facilities, usually carried out on the territories of two or more States, and therefore representing an increasingly disruptive factor in international relations, making it imperative to adopt measures to facilitate full collaboration between States desirous of effectively suppressing drug trafficking;

That, taking advantage of loopholes in previous legislation, there have been anomalous interpretations enabling drug traffickers to escape justice, as well as instances of irregular proceedings on behalf of such offenders which open the way to erroneous judgments and/or exclusions of cases even before the trial opens;

That, because of the nature of drug trafficking offences, it is imperative to specify, even in detail, the procedures to be followed during the investigations by the judicial police for the National Directorate for the Control of Dangerous Substances and to ensure the rapid destruction of the confiscated drug, whilst retaining a material sample of the corpus delicti;

That, in accordance with the new approaches to criminology, the purpose of the sentence is not merely to provide punishment for the crime committed, but also to rehabilitate or, when this is not possible, to provide security, but these are objectives for which current penitentiary establishments are unsuited;

That coca, traditionally grown for chewing and medicinal uses, is also used harmfully as a raw material for the manufacture of cocaine, a stimulant that is prohibited under the international conventions on narcotic drugs, of which Bolivia is a signatory;

That coca growing has increased significantly in recent years in the Departments of La Paz and Cochabamba and has also extended to areas where it was previously unknown, in violation of the express provisions of article 42 of Decree Law No. 16562 dated 13 June 1979, giving rise to a surplus that is presumably used for the preparation of cocaine;

That the essential aim of depriving cocaine manufacturers of raw material can only be achieved through the State monopoly on the buying of coca leaves from the producers, as well as the control of retail trading, together with a well-defined and comprehensive policy of crop substitution, to bring about a gradual reduction in the areas currently under cultivation in the Departments of La Paz and Cochabamba and the simultaneous destruction of illegal crops;

That, given the existence of an appreciable coca leaf production surplus each year, which cannot be absorbed by legal consumption, it is vital to provide an end-use for that surplus, bearing in mind that, because of a lack of resources, the National Council to Combat Drug Trafficking is not in a position to purchase and destroy it and that, furthermore, it would be neither rational nor fair to compel legally authorized producers to destroy this surplus without any compensation;

That the structure and functions of the National Council to Combat Drug Trafficking, set up by Decree Law No. 18121 dated 11 March 1981, must be restructured and functionally redefined by the establishment of up-graded, clear and well-defined channels of command and spheres of competence, in line with the increased responsibilities assigned to it by the present Decree Law;

That the Military Government has committed itself, before the Nation and before the international community, to conducting a relentless fight against drug trafficking, the mainstay of which is legislation that, on the basis of experience already gained, should make it possible to eliminate the traffic in dangerous substances, through preventive and punitive measures;

THE COUNCIL OF MINISTERS

DECREES:

Article 1. The new text of the Decree Law on the Control of Dangerous Substances, with its eight titles and 108 articles, plus three transitional articles, is hereby approved.

Article 2. Any provisions inconsistent with the present Decree Law are hereby repealed.

The Ministers of State responsible for the Departments of the Interior, Migration and Justice, Public Health and Social Welfare, Finance and Rural Affairs and Agriculture are responsible for administering and implementing the present Decree Law.

Given in the Palace of Government, La Paz, on 25 November 1981.

LAW ON THE CONTROL OF DANGEROUS SUBSTANCES

TITLE I

GENERAL OBJECTIVES

Article 1. (Control and regulation) - The Decree Law on the Control of Dangerous Substances establishes the forms of control and regulation of activities connected with the sowing, cultivation, harvesting, collecting, marketing, distribution, sale, use, keeping, delivery and possession of plants or parts of plants that contain raw materials for the production and manufacture of dangerous substances.

Article 2. (Prevention and suppression) - The Decree Law lays down the standards concerning the prevention and suppression of the illegal manufacture,

preparation, portioning, marketing, distribution, transport, traffic, storage, delivery and use and consumption of dangerous substances.

Article 3. (Education and rehabilitation) - The Decree Law establishes the general standards of preventive education designed to prevent drug abuse, and to promote the rehabilitation of persons initiated in the consumption of dangerous substances, as well as addicts, by means of appropriate preventive medical assistance.

TITLE II

TERMS USED

Article 4. (Substances) - The expression "dangerous substances" means the drugs, substances and preparations defined in the present Law and those listed in schedules I, II, III and IV annexed hereto, including all those regulated by the international conventions and protocols approved by the Government of Bolivia, as well as those included by the Ministry of Social Welfare and Public Health on the basis of its own studies and reports.

Article 5. (Immediate precursor) - The expression "immediate precursor" means the natural, semi-processed or chemical raw material used for the illegal manufacture of dangerous substances.

Article 6. (Drug) - The expression "drug" means any substance which, when introduced into a living organism, can more or less profoundly alter its structure or its normal functions, whether or not it causes physical or psychic dependence, and whose abuse may cause serious physiological or mental disturbances.

Article 7. (Drug dependence) - This is the periodic or chronic state of intoxication brought about by the repeated consumption of a drug or else the psychic or sometimes physical state caused by the interaction between a living organism and a drug, the characteristics of which are the following:

- An uncontrollable impulse to take the drug constantly or periodically and to obtain it by any means;
- A tendency to increase the dose progressively;
- A psychic or psychological and sometimes physical state caused by the effects of the drug.

Article 8. (Dependent person or addict) - A person dependent on drugs who chronically abuses them.

Article 9. (Production) - The expression "production" means the sowing, planting, cultivation, harvesting and gathering of materials of plant origin that contain dangerous substances.

Article 10. (Manufacture) - The expression "manufacture" means the preparation, elaboration, manufacture, compounding, refining, conversion or processing of a dangerous substance, either directly or indirectly, through chemical synthesis or other methods, in any of its stages, even when the relevant process has not been concluded.

Article 11. (Administration or application) - The expression "administration" means the direct application of a dangerous substance to an individual, whether by injection, inhalation, ingestion or other means.

Article 12. (Delivery or supply) - The expression "delivery or supply" means the transfer or provision between persons of a dangerous substance without legal justification therefor.

Article 13. (Illicit traffic) - The term "traffic" means any prior or subsequent action which has as its object transactions, whether or not money is exchanged, which have no legal authorization, connected with the possession, transport and supply or delivery, for any reason whatsoever, of the dangerous substances referred to in this Law, in violation of the provisions herein.

Article 14. (Preventive education) - The expression "preventive education" means any action designed to induce people to refrain from drug abuse.

Article 15. (Consumption) - The expression "consumption" means the sporadic or periodic use of dangerous substances involving the danger of dependence.

Article 16. (Rehabilitation) - The expression "rehabilitation" means the re-adaption to or the reintegration in the bio-psycho-social environment of persons who consume or are dependent upon drugs.

TITLE III

REGIME APPLICABLE TO COCA

Article 17. (Policy regarding coca) - With regard to the planting, growing, harvesting and gathering of coca leaves, the following three objectives are fixed:

(a) A freezing of coca growing in the traditional producing departments of La Paz and Cochabamba at the level recorded when the second census of coca leaf producers was conducted, making it an offence to increase cultivation;

(b) A gradual, on-going reduction in the areas currently devoted to coca growing in order to balance supply and demand with reference to legal consumption for traditional chewing and for pharmacological purposes, while safeguarding the interests of peasants and small producers;

(c) Cutting off of raw material supplies to cocaine manufacturers.

Article 18. (Legal coca producers) - The producers of coca leaves in the Departments of La Paz and Cochabamba recorded in the second census, as well as those omitted therefrom who have registered at the collection centres and sub-centres within 90 days of the completion of the said census, shall be the only ones legally authorized to plant, grow, harvest and gather coca.

To this end, when they are recorded and/or registered, they shall receive a producer's licence stating the growing area, number of harvests, estimated production per harvest and nearest collection sub-centre, to which they undertake to sell their output, with the warning that the collection sub-centre in question will not accept deliveries exceeding the declared quantity, the surplus being confiscated.

During the first ten years, as from the entry into force of the present Decree Law, any renewal of coca leaf production must be sanctioned by express resolution, giving justification, of the National Council to Combat Drug Trafficking on the basis of concurring reports by the Directorates for Crop Substitution and for Marketing and Production Control, which shall take account of the estimated real demand, with no renewal authorization being issued if coca leaf production continues to exceed legal demand.

Article 19. (Coca leaf growing outside the Departments of La Paz and Cochabamba) - Existing coca growing is hereby declared to be clandestine and illegal in all departments except La Paz and Cochabamba, the traditional producing areas. Consequently, the National Council to Combat Drug Trafficking will undertake the systematic destruction of such coca bushes without any compensation whatsoever if the owners should fail to destroy them within 90 days. Until this destruction occurs, the harvesting and gathering of leaves from such clandestine and illegal bushes are prohibited.

Article 20. (Intervals between producer censuses) - The National Council to Combat Drug Trafficking must sponsor and finance a census of coca leaf producers every three years, to serve as the basic instrument for the monitoring and implementation of the policies and standards defined in the present title.

Article 21. (Crop-substitutiuon policy) - The policy of crop reduction and/or diversification formulated by the National Council to Combat Drug Trafficking shall have the following objectives:

(a) Integrated rural development designed to make optimum use of the region's material and human resources;

(b) Introduction of new technologies which, as a function of the soil quality in each micro-region, will make it possible to establish improved varieties or new techniques designed to give the peasants a balanced income from the growing of other annual or perennial crops;

(c) Establishment of a co-operative agro-industry to enable peasant families to benefit from the higher added value and to ensure a market for their primary production;

(d) Granting of development credit at low interest rates over long periods, including operating capital so that the necessary technical assistance can be offset by the new production;

(e) Granting and/or co-ordination of comprehensive, ongoing technical assistance until the first harvest is brought in and/or the industrial plant is operating at full capacity;

(f) Promotion of marketing, service and other co-operatives in order to provide peasant families with improved terms for obtaining the inputs required or for selling products.

Article 22. (Implementing agencies) - The policy established in the preceding article shall be implemented by the National Council to Combat Drug Trafficking through the Chapare-Yungas development project (PRODES), a specialized agency of the Ministry of Rural Affairs and Agriculture, created to bring about crop substitution in respect of coca and to oversee the general development of the Chapare and Yungas areas on the basis of agricultural diversification. The Council shall assume responsibility for the direct implementation of this policy only in exceptional circumstances, in no event duplicating efforts, and only when its action serves as a catalyst for the work of PRODES, plays a demonstration role or fills gaps left by the Chapare-Yungas project.

Article 23. (Reduction of growing areas) - The National Council to Combat Drug Trafficking, through its National Directorates for Crop Reduction and Diversification and the Control of Production and Marketing of Coca Leaves and in co-ordination with the Chapare-Yungas development project (PRODES), shall produce an annual programme for reducing the coca-growing areas in the traditional regions

of La Paz and Cochabamba, with the medium-term target of achieving a balance between supply and demand for traditional chewing and for medicinal and pharmacological uses. This compulsory reduction will be implemented through the Directorate for Coca Control, which reports to the National Council to Combat Drug Trafficking in co-ordination with the Chapare-Yungas development project (PRODES), to the extent that PRODES has the financial, technical and organizational capability to approach the legal coca producer and offer him the long-term promotional credits and the technical assistance needed to replace his coca bushes with other crops which, even if they are not equally profitable, are nearly so and, in any event, afford him the emergent ancillary advantages of a comprehensive development programme and enhanced long-term security.

"The reduction in coca bushes will initially affect the large-scale producers with more than one hectare and then the medium-scale producers who possess between half a hectare and one hectare of coca crop."

Article 24. (Use and development of the existing infrastructure) - The Chapare-Yungas development project, with the approval of the Ministry of Rural Affairs and Agriculture, shall, in order to advance the policy of reduction and/or diversification in respect of coca crops formulated by the National Council to Combat Drug Trafficking, sign agreements with Bolivian and foreign legal persons, whether public or private, which must be approved by the Council.

Article 25. (Purchasing/sales monopoly) - The National Council to Combat Drug Trafficking, through the National Directorate for the Control of Coca-Leaf Marketing, is hereby granted a monopoly on purchase from producers and sale to retailers and, to this end, collection centres and sub-centres shall be established in the manner best suited to provide proper control and supervision.

Article 26. (Pricing policy) - Through the corresponding National Directorate, the National Council to Combat Drug Trafficking shall purchase the coca leaves and arrange for their sale with a view to achieving a balance, with a small profit margin, between supply and demand for traditional chewing purposes and medicinal and pharmacological uses.

The purchase prices shall be fixed so that they provide the producer with an income, but are compatible with the annual revenue he may obtain from other crops with improved varieties and adequate technical assistance, in order to overcome the present distortion caused by the illicit demand generated by drug trafficking.

The selling prices shall be determined with a view to generating profits that will enable the National Council to Combat Drug Trafficking to go on improving its structure and also to finance part of its requirements with regard to crop substitution and other operational aspects.

The purchase and selling prices must be published periodically in the various social communication media, specifying the collection sub-centres and sales centres by district.

Article 27. (Sale to collection sub-centres) - Legal coca leaf producers are under an obligation to sell their produce only to the collection sub-centre identified in the census form or another document. That collection sub-centre will be indicated on the producer's licence and/or card. A new licence and/or card will be issued if there is a change of collection sub-centre.

Article 28. The coca leaves will be transferred from the sub-centres to the collection centres of the departments in vehicles which must be operated for the account of the National Directorate for Coca Control. Transfer by the producers

Article 33. (Export) - Through its appropriate department, the National Council to Combat Drug Trafficking may export surplus coca leaves directly. It may also authorize coca leaf export to legally established private firms on the basis of a decision, stating grounds and indicating the existence of an import permit from the country of destination and evidence that the amounts to be exported were obtained direct from the departmental collection centres, together with a corresponding report from the National Directorate for the Control of the Production and Marketing of Coca Leaves to the effect that there is no indication of a similar export to the same destination. In the case of such an export, preference would be given to the Council's export.

The price at which the collection centres sell to individual exporters shall be the same as the purchase price paid to the producer plus a sufficient percentage mark-up to cover the costs of transport, storage and maintenance. The foreign exchange obtained from exports must be deposited with the Central Bank of Bolivia.

Article 34. (Transport prohibition) - No person may carry into the departmental capitals, by any public or private means of transport, more than one pound of coca leaves for personal and/or family consumption.

Transport effected in a given producing province, exclusively for the traditional purpose of barter against other products, shall not be considered illegal, provided that the quantity involved is reasonable and there is no reason to believe that its object is contrary to the present law. The same applies to the transport by itinerant provincial pedlars of amounts allocated to them by the collection or sales centre for distribution at fairs or smaller centres of consumption which are not departmental capitals.

TITLE IV

OFFENCES AND PENALTIES

Article 35. (Sowing and harvesting) - Persons who engage in the sowing, cultivation, harvesting, production or gathering of plants or parts of plants which are immediate precursors of the dangerous substances referred to in article 4 of the present Decree Law shall be liable to imprisonment for a term of five to ten years, plus a fine of between one hundred thousand and one million Bolivian pesos (\$b 100,000 to 1,000,000), and the land in question shall revert to the State for subsequent reallocation under the agrarian reform.

Likewise, a legal producer of coca leaves who does not participate in the crop reduction and/or diversification programmes planned by the Council and carried out by PRODES, despite being asked to do so in writing, shall be punished by the destruction of his coca bushes without any compensation whatsoever.

Article 36. (Illegal transport) - Persons who illegally transport any dangerous substance or coca leaves in amounts that exceed their personal consumption and/or the requirements of barter within a given province, as provided for in article 34, shall be liable, depending on the quantity transported illegally and depending on whether the person is an intermediary or the owner, to deprivation of freedom for a term of three to eight years, plus a fine of between twenty thousand and five hundred thousand Bolivian pesos (\$b 20,000 to 500,000).

Article 37. (Manufacture) - Persons who illegally manufacture any dangerous substance covered by the present Decree Law shall be liable to imprisonment for ten to fifteen years and a fine of between two hundred thousand and one and a half million Bolivian pesos (\$b 200,000 to 1,500,000).

themselves is prohibited. The transport, with the corresponding cargo manifest, will be monitored on departure and on arrival by radio-communications.

Likewise, the coca leaves shall be transferred from the La Paz and Cochabamba collection centres to sales centres in other departments only for the account of the Council and in no case by individuals.

Article 29. (Retail sales of basic commodities) - The National Council to Combat Drug Trafficking may use the infrastructure of the collection sub-centres to organize direct retail sales at those locations, at the official selling prices, of manufactured products and basic commodities required by the coca leaf producers; the producer's licence number must appear on the relevant bill.

Article 30. (Purchasing policy at the collection sub-centres) - The collection sub-centres shall buy the coca leaves from each harvest only to the extent of the legal demand for traditional chewing purposes, with the appropriate profit margin.

Article 31. (Retail sale) - Mining companies, whether State-operated, private or co-operative, as well as agro-industrial, agricultural and forestry enterprises that have workers who chew coca leaf must supply them direct through the general store to the extent of their needs. For this purpose, they shall purchase the amounts they require direct from the collection centres and sales centres operated by the National Council to Combat Drug Trafficking, against cash payment.

The purchases must necessarily be made in the particular department, and transfer from one district to another is therefore prohibited, under pain of the sanction laid down for illegal transport.

The enterprises must keep a register of employees who chew coca leaves, indicating their identity card number and bearing their signature and/or fingerprint, with the monthly quantities purchased. They must also submit to the relevant collection centre or sales centre a report signed and stamped by the manager of the general store. There must be an interval of at most sixty days between the initial and the following purchases to allow for submission of this report. Enterprises are forbidden to sell coca leaves to persons not in their employment.

The aforesaid enterprises shall make their coca leaf requirements known at least three months in advance so that they may be given priority in coca leaf supply.

Article 32. (Regulation of retail sale) - Any retail sale licences granted before the entry into force of this Decree Law are hereby cancelled.

Within thirty days of the entry into force of the present Decree Law, the National Council to Combat Drug Trafficking shall issue new retailer licences only to legally established grocery stores, setting as a ceiling the monthly quotas previously allotted to the former retailers. As a minimum, for purposes of control, the retailers must be registered with the mayor's office and must sell at a fixed street location, under pain of cancellation of the licence.

The enterprises referred to in the preceding article and the new marketing agencies may charge a mark-up of up to 20 per cent over the prices of purchase from the collection or sales centres.

The relevant department of the National Council to Combat Drug Trafficking shall publish a quarterly list of the names and addresses of retail agencies and enterprises selling coca leaves. Their licences shall be valid for one year and may be renewed for one-year periods.

Article 38. (Abusive or fraudulent manufacture) - Persons who have a legal authorization to manufacture dangerous substances and use it fraudulently shall be liable to the maximum penalty fixed in the preceding article.

Article 39. (Possession or holding) - Persons who illegally hold or possess dangerous substances in quantities that may be presumed to be for personal consumption, on the basis of a medical report by the Council's rehabilitation centre, shall be liable to imprisonment for one to three years plus a fine of between twenty thousand and five hundred thousand Bolivian pesos (\$b 20,000 to 500,000), without prejudice to the security measures that may obtain, provided that said holding or possession does not arise from the purpose of manufacture, transport, import, distribution, administration, supply or trafficking, in which case the penalties corresponding to such offences shall apply.

Article 40. (Administration and/or application) - Persons who administer or apply dangerous substances without legal authorization shall be liable to imprisonment for three to eight years and a fine of between twenty thousand and five hundred thousand Bolivian pesos (\$b 20,000 and 500,000).

If application is effected illegally by a professional individual authorized to prescribe and/or administer, the maximum penalty shall apply.

Article 41. (Delivery and/or supply) - Persons who illegally supply any of the dangerous substances referred to in the present Decree Law shall be liable to imprisonment for four to eight years, plus a fine of between one hundred thousand and five hundred thousand Bolivian pesos (\$b 100,000 to 500,000).

Article 42. (Damage to health) - If, as a result of the administration or supply of a dangerous substance, there should be serious damage to health, the person(s) responsible shall be liable to imprisonment for a term of eight to twelve years and a fine of between two hundred thousand and one million Bolivian pesos (\$b 200,000 to 1,000,000), without prejudice to civil compensation in an amount to be fixed by the judge at the time of judgment.

Article 43. (Inducement) - Persons who induce one or more other persons to use a dangerous substance illegally shall be liable to imprisonment for a term of three to six years, plus a fine of between one hundred thousand and eight hundred thousand Bolivian pesos (\$b 100,000 to 800,000).

Article 44. (Trafficking or marketing) - Persons who illegally engage in commercial transactions or who sell or purchase dangerous substances shall be liable to imprisonment for a term of ten to fifteen years and a fine of between two hundred thousand and one million Bolivian pesos (\$b 200,000 to 1,000,000).

Any persons committing this offence by abusing his legal authorization to market dangerous substances shall be liable to the maximum penalty.

The maximum penalties provided for in this article shall apply to persons engaging in fraudulent marketing of a dangerous substance and pretending to buy or sell it for the purpose of benefiting from the proceeds of the transaction. This does not apply to "undercover" agents, provided that they are working according to the instructions and under the supervision of their superiors.

Article 45. (Provision of premises or locations) - Persons who provide a location, even without receiving payment, for any of the activities set out in the present Title to be carried on, or so that persons may gather to consume dangerous substances or to conduct transactions connected with their trafficking, shall be liable to imprisonment for a term of five to ten years, plus a fine of between one hundred thousand and five hundred thousand Bolivian pesos (\$b 100,000 to 500,000).

In the event that the location in question is authorized commercial premises there will be an additional penalty of loss of authorization to engage in commerce for the period of the sentence. If the premises involved are used for night-time entertainment the loss of authorization shall be for a period of double the sentence.

The competent Judge shall order the provisional closure of the premises during the legal proceedings.

Article 46. (Owners' obligations) - Owners who are aware of the occurrence of their premises or property of offences provided for in the present Law and who fail to notify the National Directorate for the Control of Dangerous Substances shall be liable to imprisonment for a term of one to five years, provided that the investigations of the judicial police do not uncover a more serious offence, plus a fine of between fifty thousand and two hundred thousand Bolivian pesos (\$b 50,000 to 200,000).

Article 47. (Transporters' obligations) - Owners and/or drivers of any form of transport carrying dangerous substances referred to in the present Law who are aware of their illegal nature are obliged to notify the departments of the National Directorate for the Control of Dangerous Substances. Failure to do so will make them liable to imprisonment for a term of one to three years, if no more serious offence is involved, plus a fine of between fifty thousand and two hundred thousand Bolivian pesos (\$b 50,000 to 200,000).

Article 48. (Owners of public premises) - Owners and/or managers of public premises, such as hotels, motels, confectionery shops, clubs, bars, hospitals, clinics and other establishments used by the public, who are aware of the occurrence on their premises of offences provided for in the present Law and who fail to notify the National Directorate for the Control of Dangerous Substances shall be liable to imprisonment for a term of one to three years, a fine of between one hundred thousand and five hundred thousand Bolivian pesos (\$b 100,000 to 500,000), depending on the size of the establishment, and closure of the premises. If the purpose of the premises is to provide medical assistance, closure will not be invoked. Said owners and/or managers must collaborate fully with the authorities responsible for enforcement in respect of such offences.

Article 49. (Other persons' property) - An owner who has rented property, premises or vehicles in which it is discovered that offences referred to in the present title are being committed, provided that there is no prima facie evidence of his responsibility and provided that the rental or similar contract was prepared and dated before the offence was committed and also registered with the competent authorities, he may be named by the judge as depositary of the provisionally confiscated property.

Article 50. (Complicity) - Persons who co-operate in the commission of any of the offences provided for in the present Law shall be liable to payment of one third to one half of the penalty corresponding to the offence, depending on the circumstances as assessed by the judge and the findings of the judicial police investigations by the National Directorate for the Control of Dangerous Substances and also to payment of the relevant proportion of the fines.

Article 51. (Complicity in escape) - Persons who help someone accused or convicted of a drug-trafficking offence escape from prison or a rehabilitation centre shall be liable to imprisonment for a term of three to five years, plus a fine of between fifty thousand and two hundred thousand Bolivian pesos (\$b 50,000 to 200,000).

Article 52. (Detention and release) - Any public official who authorizes the illegal release or freedom of a person detained for offences contemplated by this Law or who acquiesces in the unjustified detention or an extension without cause of the detention, even if this may be legal, shall be liable to imprisonment for a term of five to eight years and a fine of between eighty thousand and two hundred thousand Bolivian pesos (\$b 80,000 to 200,000).

Article 53. (Forging of documents) - A person who alters or forges any document for the commission of one or more offences covered by the present Law shall be liable to imprisonment for a term of three to six years, plus a fine of between fifty thousand and two hundred thousand Bolivian pesos (\$b 50,000 to 200,000).

Article 54. (Public officials) - If, in the exercise of his functions, an official commits any of the offences set out in the present Law, the penalty to which he is liable shall be increased by one third. If he is a member of the judiciary or of the public authorities responsible for enforcement in respect of drug trafficking he shall also be liable to the absolute disqualification provided for in article 33 of the Penal Code.

Article 55. (Alteration or replacement of the corpus delicti) - A person who alters or replaces the corpus delicti seized, sequestered or deposited by a competent authority shall be liable, in the case of a private individual, to imprisonment for a term of five to ten years and a fine of between five hundred thousand and one million Bolivian pesos (\$b 500,000 to 1,000,000) plus, in the case of a public official, the absolute disqualification provided for in article 33 of the Penal Code.

Article 56. (Seizure of goods) - Independent of the application of the penalties of deprivation of freedom and fines referred to in the preceding articles, the following steps shall also be taken:

(a) Seizure of the land on which have been sown, cultivated, harvested and gathered the plants that constitute the immediate precursors of the dangerous substances covered by the present Decree Law, this measure to be carried out by the National Directorate for the Control of Dangerous Substances;

(b) Seizure of the premises, movables, fixtures, means of transport, equipment, substances, raw materials and clandestine laboratories used in committing any of the offences covered by the present Law, as well as money, securities and effects that do not belong to innocent third parties, this measure also to be carried out by the National Directorate for the Control of Dangerous Substances.

Article 57. (Aggravating circumstances) - The penalties provided for in the preceding articles shall be increased by a third over and above the maximum:

(a) If the persons placed in jeopardy are under 21 years of age or have a psychic disability;

(b) If the actions were accompanied by violence or fraud;

(c) If the actions were carried out by three or more persons organized for the purpose;

(d) When the offence was committed in the vicinity of or inside a teaching establishment, an assistance centre, a place of detention, a sports, cultural or social facility or in locations used for public entertainment or performances;

(e) If the actions were carried out by a teacher, educator or employee of educational establishments in general.

Article 58. (Extenuating circumstances) - Apart from the general extenuating circumstances provided for in article 40 of the Penal Code, the collaboration of a person arrested for committing any of the offences described in the present Law, leading to the discovery and apprehension of other accomplices or the main culprits shall be considered as an extenuating circumstance.

Article 59. (Recidivists and habitual offenders) - Recidivists and habitual offenders, as defined in articles 41 and 42 of the Penal Code, shall be liable to the maximum penalty relating to the offence most recently committed for the first repetition and the maximum penalty increased by one third for the second repetition.

Article 60. (Security measures) - When a person sentenced for any of the offences set out in the present Law is physically or psychically dependent on a dangerous substance, the judge shall impose, on top of the penalty, curative security measures to be carried out in the rehabilitation centre of the National Council to Combat Drug Trafficking or, if this is not possible, in another appropriate establishment chosen by the judge in accordance with the report of the Directorate for Rehabilitation.

In such cases, the curative security measures shall be implemented first, the duration thereof being counted towards completion of the penalty.

Curative security measures shall be applied for a maximum period of one year and shall be terminated by judicial decision on the basis of the multidisciplinary report of the rehabilitation centre of the National Council to Combat Drug Trafficking.

When the offence is one of possession and the penalty fixed is the minimum one, the judge may suspend the penalty, while maintaining curative measures during the remaining period, on the basis of a multidisciplinary report, giving reasons, by the rehabilitation centre of the National Council to Combat Drug Trafficking. The sentence shall specify the duration of the curative measures in the closed detention system and the period to be spent in out-patient care. Failure to comply with the curative measures imposed will have the effect of re-establishing the penalty, again by ruling of the judge.

TITLE V

INTERNATIONAL SCOPE

Article 61. (Supraterritoriality of drug trafficking) - Any offence referred to in the present Law, committed in more than one country shall be looked upon as a separate offence in each country and, consequently, the Bolivian Government recognizes the competence of the courts of justice of any of the countries involved to deal with the offence, depending on where the offences with a criminal connection have been discovered. In the event of two or more petitions, the most admissible as regards evidence produced shall be accepted, as shall existing priority, if applicable.

Article 62. (Criminal connection) - For the purposes of the provisions of the preceding article, the various phases in drug trafficking, in other words sowing and cultivation, manufacture, transport, marketing and organization, shall be considered as a whole, and a criminal connection with drug trafficking shall therefore be presumed, as provided for in article 35(2) of the Code of Criminal Procedure.

The criminal connection shall be established when the evidence and proof demonstrate that there was prior agreement between the manufacturer, seller or purchaser or between the organizer and the financial backer, even though the commission of the offence, by its very nature, may have required the participation of a number of persons at various times and in various places.

Article 63. (Extradition without treaty or reciprocity) - If, according to the provisions of the preceding article, the existence of a criminal connection has been proved, the State that considers itself affected may ask Bolivia for the extradition of the offender sentenced by its Courts or the party accused as perpetrator or accomplice if there is sufficient evidence of culpability, in order to try the offender under its own laws, even if there is no extradition treaty or reciprocity agreement, the absence of a simultaneous charge being no obstacle to extradition.

For this purpose, the limitation shall be fifteen years from the time when the offence was committed.

The relevant application shall be processed as provided for in article 45 of the Code of Criminal Procedure and, immediately after it has been made, the Bolivian Government shall assume responsibility for keeping the accused person in preventive custody and, if applicable, handing him over to the Government making the application. The application for extradition shall be decided, one way or the other, within 30 working days of its submission to the Minister for Foreign and Religious Affairs. If no ruling of the Supreme Court of Justice has been issued at the end of this period, the officials or magistrates responsible for the delay shall be liable to one year's imprisonment in accordance with the provisions of article 154 of the Penal Code and immediate removal from office.

Article 64. (Recognition of sentences handed down abroad) - In respect of the offences covered by the present Decree Law, sentences imposed by foreign courts shall be recognized, both with regard to recidivism and to execution, in accordance with the provisions of Bolivian law, in line with article 36 of the Geneva Single Convention on Narcotic Drugs, 1961, and article 3 of the first additional protocol to the South American Agreement on Narcotic Drugs and Psychotropic Substances (ASEP).

Article 65. (Co-ordination for prevention and enforcement) - Since drug trafficking offences are subject to public prosecution and are of an international nature and since there is thus a concurrent interest in prevention and, where required, enforcement in respect of them, the National Council to Combat Drug Trafficking shall co-ordinate the relevant action with the international organizations, such as the United Nations, the Organization of American States and the South American Agreement on Narcotic Drugs and Psychotropic Substances.

TITLE VI

SCOPE OF APPLICATION AND JURISDICTION

Article 66. (Privileges) - Inasmuch as this is a special Law which prescribes penalties for offences subject to public prosecution that affect the health of the people and the country's international relations, no special privileges of any kind shall be recognized and, consequently, public officials, irrespective of level, who have committed such offences shall not enjoy the benefit of any preferential treatment, but shall be tried as common criminals pursuant to the provisions of Title IV of the present Decree Law.

Article 67. (Jurisdiction and competence) - In judging the offences covered by the present Law, the indictment shall be omitted; trials may be held only in departmental capitals and before district criminal-court judges.

Article 68. (Judicial police investigations) - The judicial police investigations shall be carried out exclusively by the National Directorate for the Control of Dangerous Substances of the National Council to Combat Drug Trafficking.

The commission shall be set up on the spot, and shall determine the situation as regards persons, things and places; it shall ensure that suspect persons do not leave; it shall distinguish the different degrees of possible participation of each person; it shall collect prints, clues and other evidence; it shall seize goods, premises, movables, vehicles and other objects that are thought to be connected with the case; it shall apprehend and place in solitary confinement the presumed guilty parties and, if they show signs of being under the influence of drugs, they shall be sent, with all necessary security measures, to the prevention and rehabilitation centre of the National Council to Combat Drug Trafficking for medical examination and, if appropriate, detoxification.

A detailed report must be produced before leaving the site and it shall be signed by the representative of the Office of the Public Prosecutor, if present, the head of operations, the legal adviser on dangerous substances (whose presence shall be obligatory) and two local witnesses, who may not refuse to certify. The accused shall be invited to sign the document and if they refuse to do so, the fact must be noted. If drugs have been seized, they shall be weighed and duly secured and sealed jointly by the head of operations and the legal adviser, under their responsibility.

In the event that any military institution or customs or political police should come to have any peripheral involvement in procedures regarding offences covered by the present Law, this must be made known immediately to the National Directorate for the Control of Dangerous Substances.

Article 69. (Requirement to identify and give receipts for articles seized) The officials of the National Council to Combat Drug Trafficking who take part in the preventive seizure of immediate precursors, dangerous substances, vehicles and fixed or movable items, as well as money, must issue printed receipts bearing a number and stamp, specifying the objects and the quantities seized. These receipts shall be signed by the official who effected the seizure in such a manner that the given and family names are legible. He shall also indicate his credential and identity card numbers.

If this legal requirement is not complied with, the official in question shall be liable to imprisonment for a term of one to five years.

The receipt shall also indicate the accused's agreement with the identification or, if relevant, his refusal to agree.

Article 70. (Inspection and search and seizure) - In cases where the offence is not flagrant, inspection and search and seizure shall be effected on the basis of a warrant, as provided for in articles 190 and 191 of the Code of Criminal Procedure.

A warrant shall also be required to obtain information from automatic telephone and radio telephone companies for the purpose of gathering further evidence regarding persons suspected of drug trafficking.

Article 71. (Time limit for formalities and reporting) - The maximum period within which the National Directorate for the Control of Dangerous Substances must conclude the judicial police formalities is 30 calendar days from the time when the action occurred, whether or not the suspects have been apprehended. This period may be extended for a reasonable time by the district criminal prosecutor upon application by the National Directorate for the Control of Dangerous Substances in each individual case. Statements of information must necessarily be taken in the presence of a representative of the public prosecutor.

Once the information statements have been completed, they shall be sent to the district criminal prosecutor together with a statement of all steps already taken in the legal action, as well as the prisoner(s), seized articles and corpus delicti. The district public criminal prosecutor who participated in the judicial police formalities shall ask the district criminal judge on duty to issue, within 24 hours, the order for the case to open without taking cognizance of any application for exclusion.

In the event that the judicial police formalities reveal that there is no proof or evidence against a person held in preventive custody, his immediate release shall be ordered, so that preventive custody does not exceed the period of the judicial police formalities. Such an order may not be issued until 72 hours have elapsed from the start of the formalities.

Article 72. (Initiating order) - Once the matter has come before the district judge, he shall issue the initiating order giving supporting reasons, within 24 hours of receiving the prosecutor's application. This order shall fix the date and time to enable the defendant to make his statement and it shall provide for the following immediate precautionary measures:

(a) Mortgaging and registry under jus ad rem of the personal property of the persons involved and of items that may have been used to commit the offence, on the basis of a certified copy in keeping with the requirements of the law;

(b) Attachment and deposit in the care of a solvent person of vehicles which may have been used to commit the offence and their entry in the vehicles register of the National Transit Service by official notification, under the civil and penal responsibility of the depository, and communication of the fact, for control purposes, to the National Council to Combat Drug Trafficking;

(c) Confiscation of equipment, raw materials, laboratories and tools that constitute the instruments of the offence and of the goods and assets that there is good reason to believe have been acquired with the proceeds from the offence under consideration or other previous offences, also with notification of the fact, for control purposes, to the National Council to Combat Drug Trafficking.

The items shall be deposited in the care of a solvent person, money in the narcotic drugs control account of the Central Bank of Bolivia and securities also in said Bank;

(d) Formal detention of the accused;

(e) Bail of the accused and fugitives from justice.

This order must be officially reviewed within three days by the Superior Court, which may extend the order for opening of trial to other persons involved or to other offences covered by the present Law.

Article 73. (Defendants' statements) - The judge shall receive the statement of each defendant separately in public hearing, as provided for in article 231 of the Code of Criminal Procedure. The judge shall subsequently give the parties three days to adduce all the proofs provided for in Book I, Title II, Chapter VI, articles 134 to 165 of the Code of Criminal Procedure.

Article 74. (Destruction of drug) - Once the defendants' statements have been received, the judge shall order the destruction of the dangerous substances seized, apart from two representative samples of sufficient quantity, one of which shall be deposited in the Central Bank of Bolivia and the other retained for the trial. The destruction shall take place in the presence of the judge and with the participation of representatives of the Public Prosecutor's Office and of the National Directorate for the Control of Dangerous Substances, after certification of the quality and quantity of the dangerous substance by an expert from the Ministry of Social Security and Public Health or another State or autonomous body chosen by the judge. The preferred method of destruction is incineration.

Article 75. (Interlocutory or prior questions) - In no circumstances shall judges admit interlocutory questions.

Only the following prior questions shall be admitted: death of the defendant, res judicata and prescription, the procedure for which shall be as set out in article 187 of the Code of Criminal Procedure.

Article 76. (Minors) - Since minors under the age of 15 years may not be charged, any minor apprehended by the National Directorate for the Control of Dangerous Substances in the course of one of its operations shall be handed over to the jurisdiction of the National Directorate for Minors (DINAME) within a period of 30 days, which may not be extended, as from the judicial police formalities, subject to the sanction provided for in article 154 of the Penal Code and the immediate removal of the official concerned from office. In the event of doubt, until the contrary can be proved, criminal minority shall be presumed, subject to physical examination by the medical staff of the National Council to Combat Drug Trafficking. Representatives of DINAME who do not attend the trials of minors under 21 years, as provided for in article 56 of the Minors Code, shall be liable to the provisions of article 154 of the Penal Code and taken under court order to the next hearing by the staff of the National Directorate for the Control of Dangerous Substances.

Article 77. (Evidence and amplification of reports) - Once the proceedings have been opened, the statements and reports by experts shall be received and inspections and reconstructions made without there being any interruption. These must be concluded within the space of 30 calendar days. The judge, in his handling of the proceedings, shall have the discretionary scope conferred by article 238 of the Code of Criminal Procedure. Provided that he does not consider his presence essential, the judge may request amplification of a written report in respect of points he considers to be in need of such amplification, from any persons who participated in the judicial police formalities, particularly officials not present at the place of the trial.

In the trial, at any stage in the case, the judge may require amplification in respect of other offences or regarding other accused persons, at the behest of the public prosecutor, the co-defendants or on an ex officio basis.

Article 78. (Conclusions) - On expiry of the period established in the preceding article, the judge shall declare open the period for conclusions, which shall have a duration of five days. The parties shall speak in the following order: public prosecutor and defence counsel of the defendant(s), the former to

set out the grounds for his accusation and the latter to put forward the defence, with right of reply and of rejoinder. The time for conclusions shall be comprised in a single hearing and, once this has been completed, the judge shall order that they be filed on the same day so that the relevant judgment can be handed down.

Article 79. (Judgment) - Within ten calendar days of the end of the period for conclusions, the judge shall issue a judgment of guilty, acquitted or innocent according to the rules and provisions of article 242 of the Code of Criminal Procedure and the judgment shall be officially notified to the Superior District Court. The defendant(s) shall not be present when the judgment is handed down, before the public prosecutor and the defence counsel.

Appeal must be entered at the hearing at which the judgment is handed down, and the grounds for appeal must be given within 48 hours. A judgment that is not appealed against shall be passed on subject to review.

Article 80. (Appeal for annulment) - The representative of the Public Prosecutor's Office involved in trials concerning drugs trafficking offences must appeal for annulment in all cases of maladministration of justice, subject to criminal liability, as sanctioned by article 173 of the Penal Code.

Article 81. (Recording of judgments) - The judge in the case must send the pleas and proceedings and/or authenticated photocopies of the judgment, hearing decision (auto de vista) and supreme decision (auto supremo) to the National Directorate for the Control of Dangerous Substances, subject to the penalty provided for in article 154 of the Penal Code.

Article 82. (Release on bail) - No person accused of committing offences covered by this Law shall qualify for release on bail; the provisions of sub-section 4 of the Code of Criminal Procedure do not apply.

Article 83. (Conditional suspension) - In respect of offences covered by this Law there shall be no judicial pardon, but rather conditional suspension, which shall apply only in the case provided for in article 60 of the present Decree Law.

Article 84. (Time limit for inquiries and appeals) - The superior courts shall deal with inquiries and settle appeals within five working days, while the Supreme Court of Justice shall settle appeals for annulment within ten working days. To this end, the authority before which the appeal or application for annulment is filed shall ensure that the files are referred to the higher authority within 48 hours. Failure to comply with these time limits shall make the official concerned liable to the provisions of article 154 of the Penal Code, plus a fine of 50,000 Bolivian pesos.

Article 85. (Situation regarding confiscated articles) - The situation regarding confiscated articles shall be resolved in execution of judgments handed down in res judicata and as indicated in said rulings.

Article 86. (Auctioning of articles) - The immovables, movables and other articles proved in the course of the proceedings to have been obtained by the commission of offences covered by the present Law, or used to commit them, shall be auctioned in pursuance of the judgment, through the National or departmental directorate for property of the Comptroller-General of the Republic.

When the nature of the seized articles makes them unsuitable for sale they shall be destroyed.

Before the sale or destruction of an article, the judge in the case shall arrange for the necessary expert evaluations or assessments to determine its precise value and condition.

If the persons who committed the offence are unknown or if they are fugitives from justice, the proceedings shall take place with a court-appointed defence counsel.

Article 87. (Proceeds of auctions, fines and confiscated monies) - The proceeds of the auctions mentioned in the preceding article and monies, in cash or securities, that have been confiscated, as well as fines, shall be distributed in the following manner:

(a) 30 per cent for the building and upkeep of penitentiary establishments as referred to in the following article;

(b) 30 per cent for the building and upkeep of the closed and integrated rehabilitation centres of the National Prevention, Rehabilitation and Investigation Directorate of the National Council to Combat the Traffic in Narcotic Drugs;

(c) 20 per cent for the upkeep and equipping of legal offices;

(d) 20 per cent for the building of prisons and the upkeep and extension of their various services.

After the auction has been held, the money shall be distributed by bank transfer deposited in each institution's current account in the proportions indicated.

Article 88. (Special prisons) - The National Directorate for the Control of Dangerous Substances of the National Council to Combat the Traffic in Narcotic Drugs shall build special prisons to accommodate those sentenced to five or more years in prison, who are to be rehabilitated by means of labour in farm colonies or on road-building gangs, with the additional aim of ensuring the self-sufficiency of these prisons and satisfaction of the needs of the prisoners' families under the internal system approved by the National Council to Combat the Traffic in Narcotic Drugs. When these prisons, which must be remote from towns and other population centres, are in operation, persons convicted of drug trafficking who are serving their sentences in ordinary establishments shall be transferred to them. The functioning of these special prisons shall be governed by the Law on Execution of Penalties and the Penitentiary System.

Preventive and formal detention of those accused of drug trafficking will also be in the cells of the National Directorate for the Control of Dangerous Substances with adequate security, under the jurisdiction of the judge in the case.

Article 89. (Hospitalization) - When an accused person seeks hospitalization on grounds of illness, it shall only be granted subject to concurring reports by two doctors of the Directorate for Prevention, Rehabilitation and Investigation, and may take place in a private clinic or public hospital only if the rehabilitation centre of said Directorate is unable to provide treatment or lacks the relevant specialization. In the event that hospitalization is in an external establishment, the National Directorate for the Control of Dangerous Substances shall adopt the necessary security measures to prevent the escape of the accused.

Hospitalization shall be determined by a court ruling, fixing the type of treatment, the time strictly required for the treatment and the place of hospitalization, which shall be verified under their own liability by the judge in

the case and the prosecutor. When the period of hospitalization has been completed, according to medical opinion provided by the National Council to Combat Drug Trafficking, the accused or sentenced person shall be returned to the place of preventive detention or serving of sentence with the necessary escort either by the governor of the prison, the staff of the National Directorate for the Control of Dangerous Substances or the staff of the court, without a need for any judicial return order.

The district criminal judges shall keep a record of hospitalized persons, containing the following details: date, time and place of hospitalization, diagnosis, full name of the hospitalized person, the doctor(s) who made reports on the need for hospitalization and the judicial authority and representative of the Office of the Public prosecutor who authorized it, it being required that the district prosecutor should be notified.

Article 90. (Legal offices of the National Directorate for the Control of Dangerous Substances) - Depending on the number of cases in each capital of department, the National Directorate for the Control of Dangerous Substances of the National Council to Combat Drug Trafficking may set up legal offices in the individual palaces of justice, in premises provided by the Superior District Court with the necessary material and staff resources, to carry out the following functions:

(a) To serve as the legal domicile of the National Directorate for the Control of Dangerous Substances, for the purposes of legal summonses;

(b) To issue certificates and reports on past records;

(c) To obtain certified photocopies of all records in the file, which may not be withheld by the secretary of the court, in order to establish a complete and parallel body of records without interfering with the powers specifically assigned to the judge;

(d) To report, through the appointed prosecutor, on any illegalities in the proceedings.

Article 91. (Supervision to ensure correct application of the law) - Each month and at periodic intervals the inspecting judge of the Supreme Court of Justice and the inspecting members of the district courts shall supervise the correct application of the substantive and adjective laws, publishing the proceedings of trials, judgments and decisions handed down in the press. The Prosecutor-General of the Republic and the District Prosecutors shall do the same.

Article 92. (Days of fine equivalent) - Subject to a full investigation of the solvency of the accused, in execution of the sentence and summary proceedings, the judge in the case shall convert the fine to days of fine equivalent in respect of between one third and two thirds of the penalty.

Article 93. (Time limitation) - A time limitation of 15 years shall apply to the offences covered by the present Law as well as to execution of the penalty.

Article 94. (Precautionary measures) - The National Directorate for the Control of Dangerous Substances shall be empowered to inspect the personal baggage and cargo carried by public or private means of transport, whether on internal or on international routes, at any time and for whatever periods it considers suitable, while the carriers must take the necessary measures regarding passengers and cargo to ensure that regular itineraries are not affected.

A prior check shall be made on the sex, age, occupation and social status of all passengers, including members of the armed forces and the National Public Security Guard.

TITLE VII

PREVENTION, REHABILITATION AND INVESTIGATION

Article 95. (Prevention) - The National Directorate for Prevention, Rehabilitation and Investigation of the National Council to Combat Drug Trafficking shall emphasize systematic preventive education designed to prevent drug abuse. To this end it shall co-ordinate the relevant work with the Ministries of Education and Social Welfare and Public Health.

Article 96. (Closed and integrated and out-patient rehabilitation centres) - The National Directorate for Prevention, Rehabilitation and Investigation of the National Council to Combat Drug Trafficking shall build and bring into operation, in the departmental capitals where the number of people requiring treatment makes this necessary, closed and integrated rehabilitation centres, as well as open out-patient centres, for the treatment of drug dependent persons who, in the former instance, are referred to them by the judge in the case, and in the latter instance, seek treatment voluntarily.

In closed and integrated rehabilitation centres and in those where there is a common detention section, this section shall be completely independent of the others and shall be monitored by members of the National Directorate for the Control of Dangerous Substances, although all therapeutic aspects shall be the sole responsibility of the National Directorate for Prevention, Rehabilitation and Investigation.

Open out-patient rehabilitation centres shall be the exclusive responsibility of the National Directorate for Prevention, Rehabilitation and Investigation of the National Council to Combat Drug Trafficking.

Article 97. (Investigation Institute) - One of the specific tasks of the National Directorate for Prevention, Rehabilitation and Investigation of the National Council to Combat Drug Trafficking shall be on-going investigation into possible new legal uses for coca in medicine and drugs and negotiation of better implementation with the authorization of the Council and the necessary international co-operation. It shall also investigate the causes, incidence and prevalence of drug dependence in different social strata. For this purpose, it shall set up an Investigation Institute to deal with both of these aspects.

Article 98. (Information on drug dependence) - Considering that the consumption of dangerous substances is an illness or an incipient illness, it is the social duty of parents, teachers and proprietors and managers of public premises, and of all citizens, to provide relevant information to the Directorate for Prevention, Rehabilitation and Investigation of the National Council to Combat Drug Trafficking. Such information shall be treated in strict confidence and shall be covered by professional secrecy.

The same applies when a consumer or addict approaches the aforesaid Directorate voluntarily; his name shall not be divulged without his written permission.

Article 99. (Treatment in private clinics) - Consumers and/or drug-dependent persons who may be given treatment in special clinics or hospitals shall also be covered by professional secrecy. Those providing treatment shall confine

themselves to notifying the National Directorate for Prevention, Rehabilitation and Investigation of the National Council to Combat Drug Trafficking, for statistical purposes and for purposes of medical knowledge, of the number of cases and the therapy used, without providing names.

Article 100. (Employers' obligations) - Employers may not dismiss a consumer and/or addict who is undergoing out-patient treatment, either at the rehabilitation centre of the National Council to Combat Drug Trafficking or in private clinics or hospitals as long as he duly fulfils his working obligations.

The employers of drug-dependent persons who undergo compulsory internment under the closed régime must reinstate them in their jobs with the appropriate remuneration once they have been shifted to the open régime or to out-patient treatment; employers may not dismiss such persons during the one-year period of follow-up by the centre or the clinic, provided that they carry out their duties normally. This factor shall be investigated and evaluated, as appropriate, by the competent staff of the rehabilitation centre.

In instances of infringement of the provisions of the present article, the employer shall be compelled by the labour courts to pay the full remuneration of the employee or worker unjustly dismissed.

Article 101. (Judicial disqualification and appointment of a guardian) - A person who is reported by the Directorate for Prevention, Rehabilitation and Investigation of the National Council to Combat Drug Trafficking to be drug-dependent, in the inveterate or incompetent categories, may be declared disqualified, and a guardian may be appointed in compliance with the procedure established in articles 345, 346 and 425 and related articles of the Family Code. If the drug-dependent person has no relatives or if his relatives clearly are not well enough informed to understand the need for the disqualification, subject to a report by the rehabilitation centre in which he is confined, the application may be made by the Office of the Public Prosecutor, in which case a member of the centre's staff may be appointed as guardian.

Even before the declaration of disqualification, acts by a drug-dependent person who has signed contracts under the influence of a dangerous substance shall be subject to annulment by virtue of the prejudice they have caused or may cause to him, it being presumed that the person in question was not in possession of free will, rendering such contracts illegal on grounds of fraud by the other party, in accordance with the provisions of article 351 of the Family Code and articles 484, 549 and 554 of the Civil Code. The relevant application may be made by the guardian, by the person disqualified after rehabilitation or by his heirs or trustees.

Article 102. (Public health collaboration) - In departmental capitals where there is no prevention and rehabilitation centre of the National Council to Combat Drug Trafficking, the Ministry of Social Welfare and Public Health shall make its facilities available to the staff appointed by the National Directorate for Prevention, Rehabilitation and Investigation of the Council.

TITLE VIII

COMPETENT BODIES

Article 103. (National Council) - The National Council to Combat Drug Trafficking, which reports directly to the Office of the President of the Republic, is the only body competent to formulate national policy regarding prevention and enforcement activities in respect of the production of and trade in coca leaves

and, in general, the immediate precursors, as well as the subsequent illegal manufacture and marketing of dangerous substances. Consequently, it is the only body authorized to co-operate with the international organizations involved in co-ordinating action to combat illicit trafficking, thus fulfilling the provisions of article 35 of the Single Convention on Narcotic Drugs, 1961, as amended by the 1972 Protocol.

Article 104. (Composition) - The National Council to Combat Drug Trafficking shall be headed by an Executive Director, who shall be appointed by the President of the Republic and shall have a four-year term of office from the time of his appointment.

The Council, which shall be deliberative, shall meet at least once a month, on the last working day, to hear the report of the Executive Director on the tasks accomplished and those planned for the coming period and to make any relevant comments and recommendations. The meeting shall be convened by written notice, indicating the date and time, with no quorum requirement.

The National Council to Combat Drug Trafficking shall be composed of:

- (a) A representative of the Ministry of the Interior, Migration and Justice;
- (b) The La Paz District Criminal Prosecutor;
- (c) A representative of the Ministry of Social Welfare and Public Health;
- (d) A representative of the Ministry of Agriculture and Rural Affairs;
- (e) A representative of the Ministry of Education and Culture;
- (f) A representative of the Social Action Board of the Office of the President of the Republic;
- (g) A representative of the Red Cross;
- (h) A representative of the Medical Association;
- (i) A representative of the Bolivian University;
- (j) A representative of the National Press Association;
- (k) A representative of ASBORA.

Article 105. (Executive Director) - The Executive Director, who is charged with informing and obtaining the approval of the Council, shall assume full responsibility for all decisions he considers necessary for more timely and effective action to combat drug trafficking.

In his capacity as the highest executive authority of the Council, the Executive Director shall sign the necessary appointments and acknowledge the services rendered by advisers, directors, departments heads and personnel in general.

Article 106. (Structure) - The National Council to Combat Drug Trafficking shall have the following national directorates:

- (a) National Directorate for Administration and Finance;
- (b) National Directorate for the Control of Dangerous Substances;

- (c) National Directorate for Crop Substitution and/or Diversification;
- (d) National Directorate for the Control of Production and Marketing of Coca Leaves;
- (e) National Directorate for Prevention, Rehabilitation and Investigation.

The National Council to Combat Drug Trafficking, in its organization and operation, shall be governed by its own rules, and its Executive Director shall carry forward implementation of its organs to the extent that the necessary finance is available.

Article 107. (Working parties) - The working parties shall meet on the first working day of each month to co-ordinate the best manner of applying the recommendations of the National Council, in line with the Executive Director's instructions. There shall be four working parties and each shall be chaired by the director of the corresponding national directorate. The meetings shall be announced in advance in writing and there shall be no quorum requirement.

- (a) Working Party on Enforcement: The members of this Working Party shall be the representative of the Ministry of the Interior and the La Paz District Criminal Prosecutor.
- (b) Working Party on Crop Reduction and/or Diversification: The members of this Working Party shall be a delegate of the Ministry of Rural and Agricultural Affairs, a delegate of the Chapare-Yungas development project (PRODES) and a delegate of the Directorate for Control of the Production and Marketing of Coca.
- (c) Working Party on the Control of Coca Leaf Production: The members of this Working Party shall be the delegates of the Ministries of the Interior and of Agriculture and Rural Affairs, the Chapare-Yungas development project (PRODES) and the National Directorate for Crop Reduction and/or Diversification of the National Council to Combat Drug Trafficking.
- (d) Working Party on Prevention and Rehabilitation: This shall be made up of the representatives of the Ministries of Social Welfare and Public Health and of Education, the Social Action Board of the Office of the President of the Republic, the Red Cross and the Medical Association.

Article 108. (Resources and financing) - The National Council to Combat Drug Trafficking shall have the following resources:

- (a) Contributions from the national Treasury;
- (b) Profits obtained from the coca leaf marketing monopoly;
- (c) Donations received;
- (d) Credits that it may obtain subject to Government approval;
- (e) Percentages from the auctions of articles in pursuance of judgments passed on drug traffickers and percentages of monies seized.

ANNEX TO THE LAW ON THE CONTROL OF DANGEROUS SUBSTANCES
(COVERING BOTH NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES)

SCHEDULE I

Acetorphine	Ketobemidone
Acetylmethadol	Levomethorphan
Alphacetylmethadol	Levomoramide
Alphameprodine	Levophenacymorphan
Alphamethadol	Levorphanol
Alphaprodine	Methadone
Anileridine	Methadone, intermediate of metazocine
Benzethidine	Methyldesorphine
Benzoylmorphine	Methyldihydromorphine
Benzylmorphine	Metopon
Betacetylmethadol	Moramide
Betameprodine	Morpheridine
Betamethadol	Morphine
Betaprodine	Morphine and other derivatives
Bezitramide	Morphine-R-oxide
Cannabis and cannabis resin	Myrophine
Cocaine	Nicodicodine
Codoxime	Nicomorphine
Concentrate of poppy straw	Noracymethadol
Desomorphine	Norlevorphanol
Dextromoramide	Normethadone
Diampromide	Normorphine
Diethylthiambutene	Norpipanone
Dihydromorphine	Opium
Dimenoxadol	Oxycodone
Dimepheptanol	Oxymorphone
Dimethylthiambutene	Pethidine
Dioxaphetyl butyrate	Pethidine intermediate A
Diphenoxylate	Pethidine intermediate B
Dipipanone	Pethidine intermediate C
Ecgonine and its esters	Phenadoxone
Ethylmethylthiambutene	Phenampromide
Etonitazene	Phenazocine
Etorphine	Phenomorphan
Etoxeridine	Phenoperidine
Fentanyl	Piminodine
Furethidine	Piritramide
Heroin	Proheptazine
Hydrocodone	Properidine
Hydromorphanol	Racemorphan
Hydromorphone	Thebacon
Hydroxypethidine	Thebaine
Isomethadone	Trimeperidine

PSYCHODYSLEPTICS

DET	Mescaline
DHMP	Cannabiol
DMT	Banisterine Harmine
Parahexyl	Lysergic acid diethylamide
STP, DOM	Bufotenine
Tetrahydrocannabinol and its isomers	Psilocybine

SCHEDULE II

Acetyldihydrocodeine
Codeine
Dihydrocodeine
Ethylmorphine

Nicocodine
Norcodeine
Pholcodine
Propiram

SCHEDULE III

1. Preparations of Acetyldihydrocodeine
Codeine
Dihydrocodeine
Ethylmorphine
Norcodeine
Pholcodine
2. Preparations of cocaine containing not more than 0.10% cocaine
Preparations of opium and morphine containing not more than 0.2% morphine
3. Preparations of diphenoxylate containing not more than 2.5 mg diphenoxylate
4. Ipecacuanha powder and its compounds
10% opium in powder
10% Ipecacuanha root in powder well mixed with 80% of any other ingredient containing no narcotic drug

PSYCHOACTIVE DRUGS

PSYCHOANALEPTICS

Amphetamine
Dexamphetamine
Methamphetamine
Methylphenidate
Phencyclidine
Phenmetrazine
Glutethimide

TIMERETICS

(.....)

TIMOLEPTICS

(.....)

HYPNOTICS

Amobarbital
Aprobarbital
Allobarbital
Barbital
Cyclobarbital
Pentobarbital
Phenobarbital
Hexobarbital
Thiobarbital
Mephobarbital

NEUROLEPTICS

Promazine
Methopromazine
Levomepromazine
Prochlorperazine
Thioridazine
Thiopropiazine
Fluphenazine

TRANQUILIZERS

Mephenesin
Methylpentinol
Hydroxycine
Chlordiazepoxide
Diazepam
Lorazepam
Medazepam
Nitrazepam
Oxazepam

SCHEDULE IV

Ethchlorvynol
Ethinamate
Meprobamate
Methaqualone

Methyprylon
Pipradrol
SPA (Lefetamine)
Pipradrol

TRANSITIONAL ARTICLES

Article 1. The present Decree Law shall apply as from its publication in the Official Gazette in connection with all trials that are under way or are about to commence in which no judgment has been handed down, as well as all cases pending.

Article 2. In all cases in which a judgment has been handed down that are waiting the hearing decision (auto de vista), the present Decree Law shall apply as regards the procedure and, as regards the penalty, the provisions most favourable to the criminal shall be applied, in accordance with article 4 of the Penal Code and article 33 of the Political Constitution of the State in force.

Article 3. Likewise, in cases in which an application to quash a decision has been brought or is brought before the Supreme Court of Justice of the Nation, the procedure shall be governed by the present Law while, as regards the penalty, the provisions most favourable to the criminal shall be applied, in accordance with article 4 of the Penal Code and article 33 of the Political Constitution of the State.

E/NL.1981/66

DECREE LAW No. 18715

HEALTH LAW

General Celso Torrelio Villa
President of the Republic

CONSIDERING:

That it is the duty of the Supreme Government, in protecting the health of the population and implementing various international conventions ratified by Bolivia, to regulate the import, processing, marketing and retailing of medicines containing narcotic and psychotropic substances;

That, by its nature, the control of the licit trade in narcotic drugs and psychotropic substances falls within the competence of the Ministry of Social Welfare and Public Health, in accordance with the National Health Code, brought into force by Decree Law No. 15629 of 17 July 1978;

That the National Council to Combat Drug Trafficking in collaboration with the Ministry of Social Welfare and Public Health and in consultation with representatives of professional bodies, industrial sectors and importers of pharmaceutical specialities in the country, submitted the Draft Health Law on Narcotic Drugs and Psychotropic Substances;

IN THE COUNCIL OF MINISTERS,

DECREES:

Article 1. The text of the Health Law on Narcotic Drugs and Psychotropic Substances, comprising six chapters and 66 articles, is approved.

Article 2. All provisions not in accordance with the present Decree Law are rescinded.

The Minister of State at the Office of Social Welfare and Public Health is charged with the execution and implementation of the present Decree Law.

Given in the Palace of Government, in the city of La Paz, this twenty-fifth day of the month of November, nineteen hundred and eighty-one.

CHAPTER I

GENERAL PROVISIONS

Article 1. For the purposes of the present Decree Law, the following are considered to be narcotic drugs and psychotropic substances:

(a) The substances, drugs and pharmaceutical preparations contained in schedules I, II, III and IV, annexed hereto, which are drawn from the Single Convention on Narcotic Drugs, 1961, New York and the Vienna Convention on Psychotropic Substances, 1971;

(b) Any others which may be included by the respective authorities of the Ministry of Social Welfare and Public Health as a result of its own studies and assessments, and recommendations by international bodies.

For this purpose the Department of Pharmacies and Laboratories of the Ministry of Social Welfare and Public Health will periodically publish the list of narcotic drugs and psychotropic substances subject to control, together with any amendments to the lists.

Article 2. The import, export, manufacture, processing, distribution and retailing of narcotic drugs and psychotropic substances are subject to the regulations laid down in the present Health Law.

Article 3. The production, manufacture, export, import, trade and use of narcotic drugs contained in schedule IV of the Single Convention on Narcotic Drugs, 1961, and psychotropic substances contained in schedule I of the 1971 Vienna Convention are prohibited, with the exception of those quantities strictly necessary for medical and scientific research, which must be authorized and controlled by the Ministry of Social Welfare and Public Health.

CHAPTER II

IMPORT OF PSYCHOACTIVE MEDICAMENTS AND CHEMICAL SUBSTANCES UNDER CONTROL

Article 4. For the import of raw materials, drugs, pharmaceutical specialities and medical samples containing narcotic drugs and psychotropic substances, as well as chemical substances under control included in the schedule annexed hereto, an application signed by the head pharmacist, or legal representative of the importing firm or autonomous State institution shall be submitted to the Ministry of Social Welfare and Public Health, which authority, on receipt of a report from the National Department of Pharmacies and Laboratories, shall grant a licence to import psychoactive medicaments, by ministerial resolution applicable to chemical substances under control.

[.....]

Article 6. Any firm importing psychoactive medicaments and chemical substances under control, as well as industries utilizing such substances as raw materials, even though not importing them directly, shall be legally registered and recorded at the Ministry of Social Welfare and Public Health. A complete list of firms falling within the scope of this article shall be submitted by this Ministry to the National Directorate for Dangerous Substances within 30 days from the entry into force of the present Decree Law. Subsequent registrations shall be within 48 hours, subject to the penalties laid down in article 154 of the Criminal Code and a fine of 20,000 pesos against the official in breach of the requirement.

Article 7. The customs authorities shall not permit the import and dispatch of medicaments and medical samples containing narcotic drugs and psychotropic substances, or chemical substances under control used in the preparation of narcotic drugs and psychotropic substances, without prior presentation of the licence or ministerial resolution to which article 4 refers.

[.....]

Article 9. Only commercial firms legally established in the country and registered at the Ministry of Social Welfare and Public Health shall be able to import and distribute chemical substances under control, drugs, pharmaceutical specialities and samples containing narcotic drugs and psychotropic substances.

Article 10. State entities, autonomous public entities and private industrial enterprises which need to import chemical substances under control exclusively for use in their industrial activities shall nominate a legal representative in the

enterprise headquarters responsible at the national level, who shall be charged with maintaining strict control over the movement of the said substances.

Article 11. Industrial firms, importers, distributors, agents, representatives and others trading in chemical substances under control, drugs and preparations which include narcotic drugs and psychotropic substances in the Republic of Bolivia must have a full-time pharmaceutical director responsible at the national level in the enterprise Headquarters. This official shall maintain strict control over the movement of psychotropic medicaments in his charge.

[.....]

Article 15. Importers of pharmaceutical specialities whose formula contains narcotic drugs or psychotropic substances indicated in the schedules annexed hereto shall establish and maintain special ledgers:

- (a) For the control of narcotic drugs;
- (b) For the control of psychotropic substances.

The ledgers shall be sequentially numbered and individually initialled by the respective authorities of the National Department of Pharmacies and Laboratories, certifying the date, name of supplier, class and quantities of pharmaceutical specialities entering the enterprise, sales realized and balances at that date.

[.....]

Article 20. Pharmaceutical specialities containing narcotic drugs or psychotropic substances indicated in the schedules annexed hereto, shall visibly and prominently display on their containers the words "MEDICAMENT UNDER CONTROL" printed in contrasting colour, with the further addition of the words "FOR USE UNDER MEDICAL PRESCRIPTION ONLY", within 125 days from the entry into force of the present Decree Law, both for new imports and for drugs in stock. Medicaments not complying with this requirement will be confiscated, in addition to any liability to penalties provided for in the case of illegal drug trafficking.

The above-mentioned wording will be added by importing and/or distributing firms prior to delivery to retail pharmacies, and by the latter to drugs held by them in stock.

[.....]

Article 26. Where drugs not locally available are introduced by a patient or are entrusted by a patient to a family member or a friend, for his exclusive use and not for sale, and provided that this fact is borne out by the relevant medical prescription, a copy of which shall be in the possession of the person possessing or transporting the drug, this shall not be considered illegal possession or transport of drugs.

CHAPTER III

PREPARATION OF PSYCHOACTIVE MEDICAMENTS IN PHARMACEUTICAL INDUSTRY LABORATORIES

Article 27. In order to process pharmaceutical specialities containing narcotic drugs or psychotropic substances listed in the schedules annexed hereto, legally authorized industrial establishments shall obtain a special license from the National Department of Pharmacies and Laboratories of the Ministry of Social Welfare and Public Health by completing the appropriate form.

Article 28. The manufacture of the pharmaceutical specialities containing narcotic drugs or psychotropic substances listed in the schedules annexed hereto shall be registered in special ledgers:

- (a) Narcotic drugs control ledger;
- (b) Psychotropic substances ledger.

[.....]

CHAPTER IV

DISPENSING OF NARCOTIC DRUGS TO THE PUBLIC

Article 38. Pharmaceutical specialities containing narcotic drugs, as set out in the schedules annexed hereto, may be prescribed only by qualified doctors, and dental and veterinary surgeons registered with the Ministry of Social Welfare and Public Health. Prescriptions shall be issued on official prescription forms conforming to the model approved by the Ministry of Social Welfare and Public Health (VALIDATED PRESCRIPTION). Prescriptions must be issued by legally authorized qualified persons; they shall legibly specify the name of the pharmaceutical speciality containing the narcotic drug or its generic name, pharmaceutical form of presentation and concentration of the medicament, with the quantities expressed in letters and numbers, the amount of each dose and number of doses per day, in addition to the given and family names and address of the patient, date of the prescription, signature of the doctor, or dental or veterinary surgeon and, beneath the signature, his personal identifying seal with the number and letter of his professional registration.

Article 39. In order to dispense these prescriptions, the head pharmacist shall number them, following the order of entries in the relevant ledger, stamp, date, sign and file them. The validated prescriptions referred to in the present article shall be filled by the pharmacist only once and shall not be renewed, under penalty of a fine of 20,000 pesos.

[.....]

Article 42. On the reverse of the validated prescription shall be noted the given and family names, number of identity card or other identification document and address of the person to whom the prescribed medicaments are delivered when this person is not the patient indicated on the prescription, delivery to persons under 18 years of age being prohibited.

Article 43. No pharmaceutical establishment shall fill validated prescriptions for narcotic drugs more than five (5) days after their issue. In such cases the person concerned must request a new prescription so that his medicament may be dispensed. No prescription seen to have been altered in any way shall be valid.

Article 44. As recommended by international organs, in special situations, medicaments containing narcotic drugs included in schedules II and III, whether formulated for oral, external or local administration, may be prescribed using an UNVALIDATED medical prescription in the following cases:

- (a) The narcotic drugs are combined with other medicaments which prevent abuse;

(b) The content of narcotic drugs does not exceed fifteen milligrams per dosage unit and the concentration does not exceed one per cent in undivided preparations.

[.....]

CHAPTER V

DISPENSING OF PSYCHOTROPIC SUBSTANCES TO THE PUBLIC

Article 49. The psychotropic substances included in schedules II, III and IV shall be prescribed only by qualified doctors, and dental and veterinary surgeons registered with the Ministry of Social Welfare and Public Health, on official prescription forms (FILED PRESCRIPTION), conforming to the model approved by the health authorities.

Pharmaceutical specialities in schedule IV containing benzodiazepine derivatives shall be dispensed strictly against medical prescriptions on the current form, which must be filed by the pharmacist in charge.

Article 50. Prescriptions must be issued by the doctor, legibly, indicating the name of the psychotropic substance or the formula, with quantities expressed in letters and numerals, stating the given and family names and address of the patient and the amount of each dose and number of doses per day. To fill these prescriptions the pharmacist in charge must number them, following the entry numbers in the appropriate prescription ledger, and stamp, date and file both the original and a duplicate, submitting the latter to the competent health authority during the first ten (10) days of each month, under penalty of a fine of 50,000 Bolivian pesos, the third copy to be kept by the qualified person writing the prescription.

The prescriptions referred to by the present article shall be dispensed only once by the pharmacist. The originals must be filed by the head pharmacist for two (2) years.

[.....]

Article 52. The distribution of any medicament whose composition contains psychotropic substances included in schedules II, III and IV whose containers do not visibly and prominently bear the words "MEDICAMENT UNDER CONTROL" is prohibited.

Article 53. In no case shall prescriptions whose quantity of psychotropic substances included in schedules II, III and IV exceed that required to administer an average established dose for up to twenty (20) days of treatment be filled or renewed. This responsibility shall be that of the doctor who prescribed the medicaments, being covered by the sanctions provided for in respect of the illegal dispensing or supply of dangerous substances under the relevant law.

[.....]

CHAPTER VI

SPECIAL PROVISIONS

[.....]

Article 59. The Ministry of Social Welfare and Public Health, through the National Department of Pharmacies and Laboratories, shall, within 120 days from the

promulgation of the present legislation, institute a register of qualified doctors and dental and veterinary surgeons, with their names, private and office telephone numbers and with a certified copy of their signature provided, under penalty of a fine of 20,000 pesos, to the head of the said department.

The above-mentioned register shall be used for the publication of a directory containing the said data, to be sold at cost price to all laboratories, pharmacies and drug stores, which shall be required to possess a copy in order to check for possible forging of prescriptions relating to drugs specified in the present legislation.

This directory will be revised annually in January and distributed on the same terms as specified in the preceding paragraph.

Article 60. The National Department of Pharmacies and Laboratories, through the National Division for the Registration and Control of Medicaments, Narcotic Drugs and Psychotropic Substances, will establish the National Register of Importing Firms; Industrial Laboratories; State, Autonomous and Private Pharmacies; and Firms Importing Chemical Substances under Control, such firms being required to register and re-register annually at the Ministry of Social Welfare and Public Health. In the event of omission, the head of the department mentioned shall be subject to a fine of 20,000 Bolivian pesos.

Article 61. All State, autonomous and private entities needing from time to time to acquire chemical substances under control for their activities shall register with the National Department of Pharmacies and Laboratories in order to have their requirements met.

[.....]

Article 65. Breaches of the present Decree Law which involve offences provided for in the legislation on illicit production of, and trafficking in, narcotic drugs and psychotropic substances shall be punishable in accordance with the provisions of the present Decree Law.

Article 66. The Ministry of Social Welfare and Public Health is the body charged with implementing the present health Law.

PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE I

DET

DMHP

DMT

(+) - Lysergide (LSD, LSD 25)

Mescaline

Parahexyl

Psilocine, Psilotsin

Psilocybine

STP, DOM

Tetrahydrocannabinol (all isomers)

PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE II

Amphetamine

Dexamphetamine

Phencyclidine

Phendimetrazine

Phenmetrazine

Methamphetamine

Methylphenidate

Pentazocine

PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE III

Allobarbitol

Amobarbitol

Aprobarbitol

Butabarbitol sodium

Butalbitol

Cyclobarbitol

Phenobarbitol

Glutethimide

Hexobarbitol sodium

Mephobarbitol

Metabarbitol

Pentobarbitol

Secobarbitol

Thiopental sodium

PSYCHOTROPIC SUBSTANCES INCLUDED IN SCHEDULE IV

Amfepramone

Brallobarbitol calcium

Bromazepam

Clobazam

Clobenzorex

Clonazepam

Clorazepate dipotassium

Diazepam

Ethchlorvynol

Ethinamate

Fenproporex

Phentermine

Phenobarbitol Fluphenazine Chlorhydrate

Flunitrazepam

Flurazepam

Furfenorex

Lorazepam
Meprotiline
Medazepam
Mefenorex
Meprobamate
Methypylon
Methaqualone
Methylphenobarbital
Nitrazepam
Oxazepam
Oxazolam
Pemoline
Pipradol
Prazepam
Temazepam
Tetrazepam

NARCOTIC DRUGS INCLUDED IN SCHEDULE I 1/

Acetylmethadol
Allylprodine
Alphacetylmethadol
Alphameprodine
Alphamethadol
Alphaprodine
Anileridine
Benzylmorphine
Betacetylmethadol
Betameprodine
Betamethadol
Betaprodine
Cannabis and its resin and cannabis extracts and tinctures
Clonitazene
Coca (leaves)
Cocaine (methyl ester of benzoylecgonine)
Desomorphine (dihydrodeoxymorphine)
Dextromoramide
Diampromide
Diethylthiambutene
Dihydromorphine
Dimenoxadol
Dimepheptanol
Dimethylthiambutene
Dioxaphetyl butyrate
Diphenoxylate
Dipipanone
Ecgonine, its esters and derivatives that are convertible to ecgonine and cocaine
Ethylmethylthiambutene
Etonitazene

1/ Note by the Secretariat: The chemical names for the substances in the schedules have been given in the text. These names are the same as those given in the international agreements on drug control and consequently have not been reproduced.

Etoxidine
Fentanyl
Furethidine
Heroin
Hydrocodone
Hydromorphenol
Hydromorphone
Hydroxypethidine
Isomethadone
Ketobemidone
Levomethorphan
Levomoramide
Levophenacymorphan
Levorphanol
Metazocine
Methadone
Methyldesorphine
Methyldihydromorphine
Metopon
Morpheridine
Morphine
Morphine Methobromide and other pentavalent nitrogen morphine derivatives
Morphine N-oxide
Myrophine
Nicomorphine
Noracymethadol
Normethadone
Normorphine
Norpipanone
Opium
Oxycodone
Oxymorphone
Pethidine
Pethidine intermediate A
Pethidine intermediate B
Pethidine intermediate C
Phenadoxone
Phenampromide
Phenazocine
Phenomorphane
Phenoperidine
Piminodine
Piritramide
Poppy straw concentrate (the material arising when poppy straw has undergone a process for the concentration of its alkaloids, at the time of marketing)
Proheptazine
Properidine
Racemethorphan
Racemorphan
Thebacon (acetyldihydrocodeinone)
Thebaine
Trimeperidine and, unless specifically excepted, the isomers of the drugs appearing in this schedule, provided that the existence of such isomers is possible within the chemical nomenclature specified in this schedule;

The isomers and ethers of the drugs in this schedule, unless they appear in another schedule, provided that such isomers or ethers can be formed;

The salts of the drugs listed in this schedule, including the salts of esters, ethers and isomers under the conditions described above, provided that such salts can be formed.

NARCOTIC DRUGS INCLUDED IN SCHEDULE II

Acetyldihydrocodeine
Codeine (3-methylmorphine)
Dextropropoxyphene (∞ -(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-butanol
propionate)
Dihydrocodeine
Ethylmorphine (3-ethylmorphine)
Nicodicodine (6-nicotinyldihydrocodeine)
Norcodeine (N-demethylcodeine)
Pholcodine (Morpholinylethylmorphine)

The isomers of the drugs in this schedule, unless specifically excepted, provided that such isomers can be formed within the chemical nomenclature specified in this schedule;

The salts of the drugs listed in this schedule, including the salts of the isomers, under the conditions described above, provided that such salts can be formed.

PREPARATIONS INCLUDED IN SCHEDULE III

1. Preparations of:

Acetyldihydrocodeine
Codeine
Dextropropoxyphene
Dihydrocodeine
Ethylmorphine
Norcodeine
Pholcodine

in cases where:

(a) They are mixed with one or more other ingredients, in such a way that the preparation carries little or no danger of abuse and in such a way that the drug cannot be recovered by simple means or in quantities which would constitute a public health risk; and

(b) Its content of narcotic drugs does not exceed 100 milligrams per dosage unit and the concentration does not exceed 2.5 per cent in divided preparations.

2. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine compounded with one or more other ingredients and in such a way that the preparation presents little or no danger of abuse and that the drug cannot be recovered by simple means or in quantities which would constitute a public health risk.

3. Preparations of diphenoxylate solids containing not more than 2.5 milligrams of diphenoxylate calculated as base and not less than 25 micrograms of atropine sulphate per dosage unit.

4. Ipecacuanha powder and its compounds
10 per cent opium in powder
10 per cent ipecacuanha root, in powder well mixed with
80 per cent of any other powdered ingredient containing no narcotic drug.

5. Preparations conforming to any of the formulae listed in this schedule and mixtures of such preparations with any ingredient which contains no narcotic drug.

6. Preparations of difenoxin containing, per dosage unit, not more than 0.5 milligrams of difenoxin and a quantity of atropine sulphate equivalent to at least 5 per cent of the dose of difenoxin.

NARCOTIC DRUGS INCLUDED IN SCHEDULE V

Cannabis and its resin
Desomorphine (dihydrodeoxymorphine)
Heroin (Diacetylmorphine)
Ketobemidone

The salts of all the drugs listed in this schedule, provided that such salts can be formed.