



# 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.*

COSTA RICA

Communicated by the Government of Costa Rica

### NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

### LAW ON PSYCHOTROPIC SUBSTANCES, DRUGS OF UNAUTHORIZED USE AND RELATED ACTIVITIES

Law No. 7093 published in Supplement No. 16 to  
the Official Gazette No. 83 of 2 May 1988

E/NL.1989/22

### THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA

Decreases the following

Law on Psychotropic Substances, Drugs of  
Unauthorized Use and Related Activities

### CHAPTER I

#### General provisions

Article 1. Preventive action against the use of narcotic, psychotropic and addictive substances is declared to be a matter of public interest, as is the supervision, inspection and control of activities relating to those substances. It shall be the function of the State to adopt the measures necessary to prevent, monitor, investigate, avoid or suppress any illicit activities in connection with this matter.

Article 2. Trade in, and the retailing, industrial processing, manufacture, refining, transformation, extraction, preparation, production, import, export, prescription, supply, storage and distribution of, addictive substances, their derivatives and specialities are activities that shall be strictly limited to the quantities necessary for medical treatment, for the legal manufacture of medicaments or for scientific research, and only legally authorized persons shall be allowed to be involved in any activity related to them.

Article 3. Establishments that engage in the trade in, and the retailing, industrial processing, manufacture, refining, transformation, extraction, dilution, packaging, preparation, production, import, export, supply, or storage of diluents or substances that can be used as precursors for the processing of narcotic, psychotropic and addictive substances must, in order to be allowed to carry out those activities:

(a) Submit to monitoring, inspection and control by the organ competent for such measures;

(b) Be registered as chemical establishments or plants and also have on their staffs appropriate professionals holding membership in the Federated Society of Chemists and Chemical Engineers, in accordance with article 59 of Law No. 6038 of 13 January 1977 and its regulatory provisions.

Article 4. It shall be the duty of the State to provide the necessary economic resources for ensuring the treatment required for the rehabilitation, social resettlement and education of persons affected by the consumption of addictive drugs, through the Costa Rican Social Security System and the Alcoholism and Drug Dependence Institute.

Article 5. The State shall provide drug addicts undergoing rehabilitation treatment with protection and assistance.

Article 6. It shall be the duty of the State, through its competent organs, to encourage in every way international technical and economic co-operation, with the aim of strengthening national programmes for research, prevention, suppression and rehabilitation in respect of drugs.

Article 7. The Alcoholism and Drug Dependence Institute, in co-ordination with the health agencies, shall be responsible for the prevention of alcoholism and for the rehabilitation of alcoholic patients.

Article 8. It shall be the duty of all persons to collaborate in the prevention of the offences and of the illicit consumption of the substances referred to in this law. The State must provide the security and guarantees required in each case.

Article 9. All actions aimed at preventing the cultivation and production of, traffic in, and consumption of drugs of unauthorized use must be supervised by the National Drugs Council, without prejudice to the functions assigned under the law to the Alcoholism and Drug Dependence Institute.

Article 10. All the mass communication media in the country must provide space for the transmission of programmes aimed at combating the traffic in, and consumption of, addictive drugs.

The ideas for such programmes may be developed by a particular communication medium; however, the production and distribution of the programmes themselves shall require the prior authorization of the Alcoholism and Drug Dependence Institute.

All the mass communication media in the country, both print and electronic, shall every week make available, free of charge, up to half of one per cent of their total space or air time for articles or programmes of this kind.

Refusal to provide this space or air time shall be punished with a fine whose amount shall be equal to the commercial value of the space or air time not provided.

Article 11. Donations by natural or juridical persons for the plans and programmes established by the State for the prevention of the offences and of the illicit consumption of the substances referred to in this law shall be deductible from the amount of such persons' gross income for the purposes of calculating income tax.

Article 12. Subjects relating to the prevention of drug addiction shall be included in the programmes of general basic education, diversified education and higher education, State or private, and in programmes of non-formal education in the form determined by the Alcoholism and Drug Dependence Institute, in co-ordination with the Higher Council for Education and the Ministry of Public Education.

Article 13. The National Drugs Council, in co-ordination with other government agencies, shall promote the establishment and operation of civic committees with the aim of combating the production and consumption of, and traffic in, addictive drugs.

## CHAPTER II

### Offences

Article 14. Imprisonment of from eight to twenty years shall be imposed on any person who participates in any way in the international traffic in narcotic drugs, psychotropic substances, inhalants or chemical substances used to manufacture or dissolve narcotic drugs.

Article 15. Imprisonment of from eight to fifteen years shall be imposed on any person who performs any act or carries out any contract, real or simulated, for the acquisition, possession, transfer or provision of goods when its purpose is to conceal or cover up the origin of economic resources acquired through illicit drug trafficking or offences linked to that activity, irrespective of the place at which the illicit act has been committed. When the act has been committed abroad, its commission may be ascertained by any means whatsoever.

Article 16. Imprisonment of from eight to twenty years shall be imposed on any person who, without legal authorization, distributes, supplies, manufactures, elaborates, refines, transforms, extracts, prepares, cultivates, produces, transports or stores addictive drugs, or who directs, finances or in any way or by any means facilitates trafficking therein.

The same penalty shall be imposed on any person who possesses or trades in seeds capable of germination if the purpose is the production of the drugs referred to in this law.

Article 17. Imprisonment of from six to twelve years and disqualification from the exercise of public functions, for the same period, shall be imposed on any official or public employee who is entrusted with investigating, judging or guarding persons connected with the offences described in the present law and who enables persons to evade punishment or to escape, or who conceals, alters, removes or causes to disappear the traces or evidence or instruments of the offence, or who secures the profit or product of that act.

If the aforementioned acts are committed owing to negligence on the part of the official or employee, the penalty of imprisonment imposed shall be for a period of from two to six years together with disqualification for the period mentioned in the previous paragraph.

Article 18. Imprisonment of from four to eight years shall be imposed on any person who, by any means whatsoever, encourages or promotes the unauthorized consumption of the narcotic drugs, psychotropic substances or inhalants referred to in this law.

Article 19. Imprisonment of from four to eight years shall be imposed on any person who, being authorized, prescribes, dispenses, supplies or administers the substances referred to in this law, without a medical prescription, in doses larger than those necessary for therapy, or who falsely claims that such necessity exists.

In addition to the sanction provided for in the previous paragraph, disqualification for a period of from five to twelve years from the exercise of the profession or occupation or from the performance of the act or activity in connection with which the offence was committed shall be imposed.

Article 20. Imprisonment of from four to eight years shall be imposed on any person who has in his possession, in unauthorized form, precursors, chemicals, solvents or other substances used in the processing of the drugs referred to in the present law, or of their derivatives.

Article 21. Imprisonment of from one to three years shall be imposed on any person who makes available premises, even if free of charge, so that persons can meet there for the purpose of consuming narcotic drugs, psychotropic substances or inhalants.

Article 22. The lower and upper limits of the penalties specified in the previous articles shall be increased by one third when the act has been committed:

(a) With the result of harm to a person under seventeen years of age or to a person who cannot be held responsible for his actions;

(b) By any person acting as a teacher, educator or spiritual guide to the damaged party, or by any person who is a parent or guardian of, or who is responsible for the care and upbringing of, the person to whom harm has been caused.

Article 23. When initiating proceedings with regard to any of the offences described in the present chapter, the judge who tries the case must suspend such patents, permits or licences as may have been illegally used to carry out the illicit act. The pronouncement of a sentence of conviction shall result in the patent, permit or licence being cancelled, unless it is proved that its holder had no part in the illicit act committed.

The restoration to a natural or juridical person of a patent, permit or licence that has been cancelled may not be authorized before 10 years have elapsed from the time of cancellation, even when a third person is used to circumvent this ban.

A patent, permit or licence of this kind shall not be authorized by the relevant agency when there is well-founded suspicion that it will be used by a person who has already lost one through cancellation on the basis of the provisions of the present article.

Article 24. If, by reason of the failure of the accused to appear in court, if because the perpetrator of the offence cannot be identified, or if by reason of any other circumstance proceedings are not initiated, the judge trying the case must order the suspension referred to in the previous article, if the improper use mentioned there is proved.

### CHAPTER III

#### Security measures

Article 25. Drug addicts shall be subjected to one of the following security measures:

- (a) Confinement at a rehabilitation or specialized therapy centre;
- (b) Out-patient treatment;
- (c) Probation.

These measures shall be of indeterminate duration, not to exceed ten years, and must be reviewed every two years by the judge responsible for the enforcement of the penalty.

Whenever the measure of out-patient treatment is imposed, the judicial authority ordering it shall remand the drug addict to the care of his family for the appropriate treatment, under the supervision of the Alcoholism and Drug Dependence Institute. In order to declare the termination of this measure, the judge shall request a report of this Institute.

### CHAPTER IV

#### Confiscation, release from pre-trial detention and reduction of sentence

Article 26. The movable and immovable property, vehicles, instruments and other facilities used to store, preserve, manufacture, produce, transport, cultivate, sell or supply, for whatever reason, narcotic, psychotropic or inhalant substances, and also such various goods and assets as may derive from these activities, shall be seized or confiscated by the authority examining the case. If their confiscation is ordered, they must be placed at the disposal of the National Drugs Council, which, in a final decision accompanied by supporting reasons, may assign them for official use, donate them to organizations operating in the public interest, or publicly auction them. The proceeds obtained shall be used for the prevention and suppression of the drug traffic and for the rehabilitation of drug addicts.

When property recorded in the National Register is seized, the judge must immediately order that an entry to that effect be made and must notify the National Drugs Council of this fact.

Article 27. Persons charged as the principal perpetrators of the offences described in the present law shall not be released from pre-trial detention. The participants in these offences, on the other hand, shall be eligible for this benefit.

Article 28. Remission of sentence shall not be granted to anyone who has been convicted of the commission of the offences described in the present law.

Article 29. Vis-à-vis persons involved as intermediaries in the traffic in narcotic, psychotropic or inhalant substances, the public prosecutor may offer, in the event their conviction is being sought, to request that they be granted a judicial pardon or, where appropriate, that they receive a conditional sentence, if they provide correct information permitting the identification of one or more persons as the perpetrators of offences connected with the traffic in drugs.

## CHAPTER V

### The National Drugs Council

Article 30. The National Drugs Council shall be the body with prime responsibility for the areas of activity contemplated in this law, without prejudice to the functions assigned under the law to the Alcoholism and Drug Dependence Institute. It shall operate as an agency of the Ministry of Justice and Pardons and shall have legal personality for the performance of its functions.

Article 31. For the performance of its functions, the National Drugs Council shall have a revolving fund consisting of:

- (a) The resources and budgetary allocations authorized by the present law for the performance of its functions;
- (b) Such international donations as may be received;
- (c) Any other resources that may be acquired.

Article 32. The following shall be the functions of the National Drugs Council:

- (a) To formulate, for adoption by the Government of the Republic, the policies, plans and programmes that the public and private agencies are to pursue in order to suppress the production and use of, and trading in, addictive drugs. In addition, the Council shall propose measures for the control and use of these drugs;
- (b) To bring to the attention of the various official organizations, in accordance with the previous paragraph, the campaigns and specific actions that each of them is to carry out;
- (c) To co-ordinate the activities of the State and private agencies involved in education, prevention and scientific research with respect to addictive drugs;
- (d) To supervise police investigatory activities in respect of these drugs;
- (e) To administer the specific funds referred to in article 26 of this law, subject to the provisions of the Law on the Financial Administration of the Republic;
- (f) Any other functions as may be determined by law or regulation.

Article 33. The National Drugs Council shall be made up of the following members:

- (a) The Minister or Assistant Minister of Justice and Pardons, who shall preside over it;
- (b) The Minister or Assistant Minister of Labour and Social Security;
- (c) The Minister or Assistant Minister of Public Health;
- (d) The Minister or Assistant Minister of Public Education;
- (e) The Minister or Assistant Minister of Public Security;
- (f) The Minister or Assistant Minister of Internal Affairs and the Police;
- (g) The Director-General of the Alcoholism and Drug Dependence Institute.

Article 34. The enforcement of the present law shall be the responsibility of the Ministry of Public Health, which shall use such means as it may consider advisable to ensure strict compliance with it. The Ministry of Internal Affairs and the Police shall provide such assistance as may be requested by the Ministry of Public Health in order to prevent violations of this law.

Article 35. The following paragraph (12) shall be added to article 93 of the Criminal Code:

"Article 93.

...

(12) To anyone who has been charged by the Public Prosecutor as an intermediary in the traffic in narcotic, psychotropic or inhalant substances and who provides correct information permitting the identification of one or more persons as the perpetrators of offences connected with the traffic in drugs."

Article 36. Article 23 of the Organic Law of the Ministry of Health, No. 5412 of 8 November 1973, modified by article 1 of Law No. 7035 of 14 April 1986, shall be amended to read as follows:

"Article 23. The financing of the Institute shall be included in the national budget of the Republic, without prejudice to any other type of income that may be acquired. These funds shall be separately administered in a special current bank account and shall be subject to auditing by the Office of the Controller-General of the Republic."

Article 37. Articles 265 and 267 of the Criminal Code, Law No. 4573 of 4 May 1970, articles 372 and 387 of the General Health Law, No. 5935 of 30 October 1983, and the Law Establishing the National Co-ordinating Commission against the Unauthorized Use of Drugs, No. 5090 of 17 October 1972, are repealed.

#### CHAPTER VI

##### Final provisions

Article 38. The Executive Branch shall take the budgetary measures necessary for the implementation of this law.

Article 39. The Executive Branch shall enact the regulatory provisions for this law within six months following its publication. The lack of such regulatory provisions shall not be an obstacle to its application.

Article 40. The present law shall come into effect from the date of its publication.

For communication to the Executive Branch

Legislative Assembly, San José, on the twenty-fourth day of March  
of the year one thousand nine hundred and eighty-eight

FERNANDO VOLIO JIMENEZ,  
President

ANTONIO TACSAN LAM,  
First Secretary

ETELBERTO JIMENEZ PIEDRA,  
Second Secretary

Office of the President of the Republic, San José, on the twenty-second day of April  
of the year one thousand nine hundred and eighty-eight

For execution and publication

OSCAR ARIAS SANCHEZ

Minister in the Office  
of the President

Minister of Internal Affairs  
and the Police

RODRIGO ARIAS SANCHEZ

ROLANDO RAMIREZ PANIAGUA

Minister of Justice and Pardons  
LUIS PAULINO MORA MORA