

ACT NO. 46 OF 3 MARCH 1970 CONCERNING THE PRODUCTION OF, TRADE IN AND USE OF NARCOTIC DRUGS

Official Gazette,

22 August 1970

THE PRESIDENT OF THE SUPREME REVOLUTIONARY COUNCIL:

Considering the First Charter of the Revolution:

Whereas it is necessary to regulate the production of, trade in and use of narcotic drugs:

On the proposal of the Secretary of State for Health;

APPROVES AND PROMULGATES The Following Act:

1. The production of, trade in and use of narcotic substances shall be placed under the control and supervision of the Ministry of Health, which shall exercise these powers through:

1. the Central Narcotics Bureau, which shall be responsible for providing advice, for the measures rendered necessary by the application of the relevant legislation and international agreements, for the exercise of supervision and control over narcotic substances and preparations, and for the organization of the campaign against drug-addiction;
2. a special police detachment, which shall co-operate with the Central Narcotics Bureau in conformity with the corresponding regulations;
3. the regional head offices of the health services;
4. the offices of the district medical officers.

2. The Central Narcotics Bureau shall be established and its members appointed by a decree of the Secretary of State for Health.

Pharmacies shall not be required to obtain from the Ministry authorization to sell, handle and supply narcotic drugs in the form of medicaments and in medicinal doses.

Any person who, without being entered in the Register or without an authorization, acquires, sells, supplies, imports, exports, carries in transit, manufactures, converts or otherwise possesses the substances or preparations included in the list of narcotic drugs shall be liable to rigorous imprisonment for not less than two or more than seven years and to a fine of not less than So. sh. 2,000 or more than So. sh. 20,000.

Article 6

All State medical establishments which use narcotic drugs, and private and hospital pharmacies, shall be automatically entered in the "Register of persons authorized to produce, trade in, handle and use narcotic substances".

Article 7

The persons authorized in virtue of the foregoing articles 4, 5 and 6 shall keep a register of quantities received and dispatched, compiled in the form and in accordance with the instructions given in Schedule A of this Act.

Unless the act committed constitutes a more serious offence, any person infringing the provisions of this article shall be liable to imprisonment for not more than two years and to a fine of not less than So. sh. 1,000 or more than So. sh. 5,000.

Article 8

Any person holding an authorization under the preceding articles who places or causes others to place the narcotic drugs included in the official list unlawfully on the market shall be liable to rigorous imprisonment for not less than three or more than ten years and to a fine of not less than So. sh. 5,000 or more than So. sh. 50,000.

Article 9

The Secretary of State for Health shall determine annually in December the maximum quantities of the various narcotic drugs which may be produced, converted and placed on sale in the following year by each of the laboratories authorized to produce them. The Secretary of State for Health may at any time, when special circumstances so require, restrict or prohibit the production, import and export of and trade in certain narcotic drugs.

Production surpluses may be allowed, provided they do not exceed ten per cent of the authorized quantities. They must however be reported to the Ministry of Health within fifteen days of the date on which the excess was discovered.

Article 10

The owners of laboratories producing or using narcotics, and wholesalers, shall submit annual returns in duplicate to the Central Narcotics Bureau, not later than 31 January of the following year, showing, where applicable:

1. the quantity of raw materials used in manufacture;
2. the quantity of finished products obtained, including any residues recovered, the yield in relation to the strength of the raw materials used being indicated;
3. the quantity of each narcotic drug received and dispatched;
4. the quantity used in manufacture of proprietary medicines and galenic products prepared and sold during the year.

The consignee shall append to the documents a signed and dated form of receipt and return one copy to the consignor.

Any person consigning or transporting narcotic substances or preparations otherwise than in accordance with this article shall be liable to imprisonment for not less than six months or more than one year and to a fine of not less than So.sh. 500 or more than So.sh. 5,000.

Article 15

Pharmacists may sell or supply narcotic drugs in medicinal form and in medicinal doses after verifying the identity of the purchaser, who must be adult, only on presentation of a medical prescription, only in the quantity prescribed and only in the form of a pharmaceutical preparation in which the narcotic substance is closely combined with the excipient.

The pharmacist is required to satisfy himself that the prescription is worded in accordance with the provisions of article 16 of this Act, to note on the prescription the

date on which it was made up, to enter the prescription in the prescription-register and to retain the original prescription.

Any person contravening the provisions of this article shall be liable to imprisonment for not less than six months or more than two years and to a fine of not less than So.sh. 500 or more than So.sh. 5,000, provided the act committed does not constitute a more serious offence.

A person committing a second or subsequent offence shall be suspended from the exercise of his profession for a period equal to that of the penalty.

Article 16

Physicians, surgeons and veterinary surgeons who prescribe narcotic drugs in any form shall indicate clearly in indelible writing on the original prescription, of which no copies shall be made, full personal particulars of the patient or of the owner of the sick animal, shall write out in full the dose of drugs prescribed and the method and times of administration and application, and append the date and their signature.

Directors of hospitals, clinics and other establishments for medical treatment and owners of consulting rooms for the exercise of medical professions may issue prescriptions for the local purchase of narcotic drugs in the amounts necessary for the normal needs of such hospitals, clinics, other establishments for medical treatment and consulting rooms, without entering the particulars prescribed in the foregoing paragraph, on condition that they keep a register of quantities received and dispersed in which they specify the use made of the drugs.

Unless the act committed constitutes a more serious offence, any person who contravenes the provisions of this article shall be liable to a fine of not less than So.sh. 1,000 or more than So.sh. 5,000.

Article 17

Any medical practitioner or veterinary surgeon who, with the intention of encouraging drug abuse, issues prescriptions containing narcotic drugs when there is no therapeutic need for them, or in proportions exceeding those required for treatment, shall be liable to rigorous imprisonment for not less than three or more than eight years and to a fine of not less than So.sh. 3,000 or more than So.sh. 30,000.

SCHEDULE A

1. Authorized importers, exporters and wholesalers

Register with non-detachable pages, numbered and stamped by the Central Narcotics Bureau, each page headed with the name of a single substance or preparation and divided into the following columns of suitable width:

QUANTITIES RECEIVED

1. Serial number of the transaction
2. Date of registration
3. Name and full address of supplying firm

4. Particulars of the ministerial authorization and consignment notes
5. Quantity

QUANTITIES DISPATCHED

1. Name and full address of purchaser
2. Particulars of the ministerial authorization and consignment notes (h) Notes
2. Authorized private pharmacies

Register with non-detachable pages, numbered and stamped by the Central Narcotics Bureau, each leaf headed with the name of a single substance or preparation and divided into the following columns of suitable width:

QUANTITIES RECEIVED

1. Serial number of the transaction
2. Month and year (entries must be made monthly)
3. Name and full address of supplying firm
4. Particulars of the ministerial authorization and consignment notes
5. Quantity obtained by purchase
6. Quantity obtained for direct conversion
7. Total quantity

INSTRUCTIONS

Each new register shall show the quantity of drugs and preparations carried forward on the closure of the old register.

The old register, with all the vouchers covering individual consignments received and dispatched, shall be preserved for a period of five years.

The register shall not carry over cancellations, additions or erasures. The cancellation, by means of a single red line, of a whole line carrying over an error, in such a way that the previous wording is legible, is permissible.

The whole of the aforesaid line shall be carried over into that immediately following, with the same serial number.

Mogadiscio, 3 March 1970

THE PRESIDENT

of the Supreme Revolutionary Council
Major-General Mohamed Siad Barre