

E/NL.1985/2 DECRETAL LAW NO. 4 OF 1973 ON CONTROLLING THE USE AND CIRCULATION OF NARCOTIC SUBSTANCES AND PREPARATIONS

We, Isa ben Salman Al-Khalifa, Amir of the State of Bahrain,

Having considered Amirian Decree No. 2 of 1971 on the Administration and Reorganization of the State, and

The Bahrain Control of Dangerous Drugs Ordinance of 1959, [href= "#f01">1/] and

According to the recommendation made by the Minister of Health, and after the approval of the Cabinet,

Order the promulgation of the following Law :

Article 1

The narcotic substances and preparations to which this Law applies are those specified in the annexed Schedule 1.

Article 2

It is prohibited for anyone to import, export, produce, acquire, possess, buy, sell, exchange or dispose in any way of narcotic substances and preparations, or act as a mediator thereof unless otherwise provided for in this Law, and according to the conditions stipulated therein.

Article 3

No person shall import into or export from Bahrain any narcotic substances and preparations without a written authorization issued by the Minister of Health.

Article 4

Cultivating or importing opium shall be absolutely forbidden.

Article 5

Whoever obtains an authorization according to article 3 and wants to import or export narcotic substances or preparations must apply to the Minister of Health whenever he wants to import or export, indicating the full name and nature of the narcotic substances or preparations and the quantity to be imported or exported and giving reasons that justify such import or export, as well as other data required by the Ministry of Health.

The Ministry of Health has the right to deny the application or to reduce the quantities indicated therein.

Article 6

No narcotic substances or preparations that arrive at the Bahrain customs or are re-exported to any other destination shall be handed over without an official authorization issued by the Ministry of Health, indicating the name and the address of the consignee, the registration number in the Ministry's records, the type of narcotic substances or

preparations, the quantities authorized to be imported or exported and the approximate date on which the export or import is to take place.

Importing or exporting licences shall be issued in five copies, one for the applicant, another for the Narcotics Office of the Police and Public Security, and two for the Customs Department, which shall retain one copy and return the other to the Ministry of Health after indicating the quantities actually imported or exported. The fifth copy shall be kept in the Ministry of Health's records.

Article 7

No narcotic substances or preparations may be imported, exported or transported in parcels that contain other materials, and they must be sent, even in the case of samples, within registered parcels; indicated thereon must be the full name of the narcotic drug, its pharmaceutical form, its quantity and the proportion of narcotic substance or substances it contains.

Article 8

A special record shall be kept by the Ministry of Health for the purpose of registering the names of persons and bodies authorized to import and export narcotic substances or preparations, including the following information:

Registration number;

Personal name and surname, age, nationality and address of residence;

Address of the hospital or the pharmacy in which the narcotic substances or preparations are to be kept;

Quantities and types of narcotic substances or preparations authorized to be imported or exported, date of authorization and any other information.

Article 9

Subject to the provisions of this Law, pharmacies may be permitted, after obtaining an official authorization from the Minister of Health, to buy narcotic substances or preparations from the Ministry of Health in Bahrain, for the purpose of re-selling them to public or private doctors' clinics, or to patients whose doctors prescribe such substances to them for medical treatment.

Article 10

Any person authorized to import, export or possess narcotic substances or preparations according to this Law must promptly enter the coming in and going out of such substances in a special register according to the procedures specified by the Ministry of Health.

The entry must be written legibly in ink with no erasing or deletion.

The pages of such register must be numbered and stamped with the Ministry of Health stamp, and include information on the narcotic substances and preparations received, the date they were received, the sender, the type and quantities of such substances, and the number and date of the import authorization of the Ministry of Health, as well as information about substances disposed of, such as date, quantity, type, institution or person to whom such substances were delivered, address, documents relating to the delivery of the substances, and other necessary information. These records must be presented to the Ministry of Health's representatives upon request.

Article 11

The authorized person must send a registered letter to the Ministry of Health within the first week of each calendar year indicating the quantity of the narcotic substances and preparations that came in and the quantity that went out during the previous year, and the quantity remaining, according to the models prepared by the Ministry for this purpose.

Article 12

Narcotic substances and preparations must be kept in public or private pharmacies inside a securely locked safe, the key of which shall be kept by the responsible manager of the pharmacy. Any amount seized outside such safe is to be considered as being illicitly trafficked in, an act for which the responsible manager of the pharmacy shall be liable to be punished by the penalties provided for in article 26 of this Law.

Article 13

Notwithstanding the provisions of article 2, individuals may possess narcotic substances or preparations in the quantities prescribed by physicians licensed to practise medicine in Bahrain for their own personal use, and exclusively for health reasons. They may not, for whatever reason, give these substances or preparations to any other person.

Article 14

No doctor authorized to practise medicine in Bahrain may prescribe narcotic substances or preparations for any patient other than for the purpose of genuine medical treatment.

Article 15

Pharmacists may, in accordance with written applications endorsed by the Ministry of Health, supply doctors licensed to practise medicine in Bahrain with some narcotic substances or preparations intended for the use of those doctors in emergency cases and/or in surgical operations in their clinics, provided that these substances are delivered in a pharmaceutical form consistent with their medical use, and that the doctor has a licensed private clinic in Bahrain.

The doctor must comply with the provisions of article 10 of this Law with regard to the possession of narcotic substances or preparations and their registration in the special registers provided for therein.

It is prohibited for the doctor to give any amount of such substances to patients for them to use themselves.

Article 16

A pharmacist may not dispense narcotic substances or preparations to any person without a medical prescription.

Such medical prescriptions must fulfil the following requirements:

Be in conformity with special prescriptions issued by the Ministry of Health;

Be issued by a doctor licensed to practise medicine in the State of Bahrain;

Be written legibly in ink with no erasing or deletion;

Indicate the name, age and address of the patient;

Indicate the name and quantity of the narcotic drug in figures and words;

Be dated and signed by the doctor with his full signature;

Indicate the full name of the doctor, his address and his telephone number, if any.

Article 17

Under no circumstances shall medical prescriptions covering narcotic substances or preparations be given back to their bearers; such prescriptions must be kept in a special file in the pharmacy after they have been stamped with the stamp of the pharmacy, the date of issuance has been entered and they have been signed by the pharmacist. Such medical prescriptions must be kept for five years from the date on which they were filled, and presented for inspection upon the request of the competent authorities.

Article 18

The filling of a medical prescription for narcotic substances or preparations may not be repeated.

Article 19

A medical prescription for narcotic substances or preparations may not be filled after three days from its date, not counting the day on which such a prescription was written.

Article 20

It is prohibited for doctors to write prescriptions for narcotic substances or preparations for use over a period exceeding seven days, and it is prohibited for pharmacists to fill such prescriptions.

Article 21

The Minister of Health may, by a decision to that effect, amend the schedule annexed to this Law by deletion or addition.

Article 22

The circulation of narcotic substances and preparations in hospitals, Ministry of Health units and private hospitals shall be regulated by a decision of the Minister of Health.

Penalties

Article 23

Any person shall be punishable by a term of imprisonment of up to ten years or a fine not exceeding 10,000 dinars, or both, who:

Imports or exports narcotic substances or preparations without first obtaining the authorization provided for in article 3 of this Law;

Cultivates, produces, extracts, separates or manufactures narcotic substances or preparations for the purpose of trafficking;

Possesses, keeps, buys, sells, delivers, receives, gives away or disposes in any way of narcotic substances or preparations, or offers them for use or facilitates their use, for money or free of charge, in cases other than those permitted by this Law;

Has been authorized to possess narcotic substances or preparations for use for a specific purpose or specific purposes and uses them in any way other than for those specific purposes.

Article 24

Whoever possesses, keeps or buys narcotic substances or preparations for personal use shall be punishable by a term of imprisonment of no more than three years or a fine not exceeding 3,000 dinars or both, unless he establishes that he possessed or kept such narcotic substances or preparations in accordance with the provisions of this Law.

Instead of imposing the penalty provided for in the previous paragraph, the court may order, at its own discretion or upon a recommendation from the Minister of Health, the confinement of the defendant in any of the hospitals designated by the Minister of Health to receive treatment until such time as a report about his condition has been drawn up by a committee created by a decision of the Minister of Health and presented to the court so that he can be dealt with accordingly.

Article 25

Whoever possesses narcotic substances or preparations which he is authorized to possess or trade in and does not keep the records indicated in article 10 of this Law, or conceals them deliberately, shall be sentenced to imprisonment for no more than three months and/or a fine not exceeding 500 dinars.

Article 26

Any person shall be punishable by a term of imprisonment of up to three months or a fine not exceeding 500 dinars, or both, who violates the provisions of articles 11, 12, 15, 17, 18, 19 or 20 of this Law, except that the court may decide to suspend such person from practising for a period equal to the term of imprisonment.

Article 27

In all cases, the court shall order the confiscation of all narcotic substances and preparations as well as equipment, tools, containers and means of transportation involved which are seized in connection with the violation of this Law.

The narcotic substances and preparations seized shall be destroyed under the supervision of a committee created by a decision of the Minister of Justice.

Article 28

The penalties prescribed in the preceding articles shall be doubled in cases of recidivism.

Article 29

The provisions of this Law shall apply to any person who commits outside the territory of the State of Bahrain an act that makes him a principal perpetrator of or participant in a crime specified in this Law which occurs totally or partially in the State of Bahrain.

Article 30

Any person in Bahrain shall be punishable by the penalties prescribed in this Law who commits an act outside the territory of the State of Bahrain that is considered a crime according to the provisions of this Law.

Article 31

The Minister of Health shall issue a decision indicating the fees payable for the carrying out of the measures provided for in this Law.

Article 32

The Bahrain Control of Dangerous Drugs Ordinance of 1959 and its amendments shall be cancelled.

Article 33

The respective ministers shall implement the provisions of this Law, and it shall come into force on the date of its publication in the Official Gazette.

Isa ben Salman Al-Khalifa

Amir of the State of Bahrain

Issued at Alrifaa Palace

25 Muharram 1393 H

27 February 1973
Law on Narcotic Substances and Preparations
Schedule 1

Acetorphine

Acetylmethadol

Allylprodine

Alphacetylmethadol

Alphameprodine

Alphamethadol

Alphaprodine

Anileridine

Benzethideine

Benzylmorphine

Betacetylmethadol

Betameprodine

Betamethadol

Betaprodine

Bezitramide

Cannabis (Indian Hemp) and

Cannabis resin (Resin of

Indian Hemp)

Clonitazene

Coca leaf

Cocaine

Codoxime

Concentrate of poppy straw

Desomorphine

Dextromoramide

Diampromide

Diethylthiambutene

Dihydromorphine

Dimenoxadol

Dimepheptanol

Dimethylthiambutene

Dioxaphetyl butyrate

Diphenoxylate

Dipipanone

Ecgonine, its esters and derivatives

which are convertible to ecgonine

and cocaine

Ethylmethylthiambutene

Etonitazene

Etorphine

Etoxadine

Fentanyl

Furethidine

Heroin

Hydrocodone

Hydromorphenol

Hydromorphone

Hydroxypethidine

Isomethadone

Ketobemidone

Levomethorphan

Levomoramide

Levophenacymorphan

Levorphanol

Metazocine

Methadone

Pethidine-Intermediate

Phenadoxone

Phenampromide

Phenazocine

Phenomorphan

Phenoperidine

Piminodine

Piritramide

Proheptazine

Properidine

Racemethorphan

Racemoramide

Racemorphan

Thebacon

Thebaine

Trimeperidine

Acetyldihydrocodeine

Codeine

Dihydrocodeine

Ethylmorphine

Nicocodine

Nicodicodine

Norcodeine

Pholcodine

Preparations of:

(a) Acetyldihydrocodeine,

(b) Codeine,

(c) Dihydrocodeine,

(d) Ethylmorphine,

(e) Norcodeine, and

(f) Pholcodine

when compounded with one or more other ingredients and containing not more than 100 milligrams of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base.

Preparations of diphenoxylate containing, per dosage unit, not more than 2.5 milligrams of diphenoxylate calculated as base and a quantity of atropine sulphate equivalent to at least one per cent of the dose of diphenoxylate.

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1/ Note by the Secretariat:E/NL.1959/52