

Unofficial translation

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No. 1289/1993

THE NARCOTICS ACT

Issued in Helsinki on 17 December 1993

Section 1

Scope of application

This Act shall be applied to the control of narcotic drugs (hereinafter 'drugs') and the substances used in manufacturing them.

The drugs that are medicines shall be, in addition, subject to what is separately provided in respect of them.

Provisions on prevention of drug abuse and welfare for drug abusers are laid down in the Temperance Work Act (828/1982) and the Act on Welfare for Substance Abusers (41/1986). Provisions on narcotics offences are laid down in the Penal Code.

Section 2

Definitions

As drugs are considered the substances and preparations referred to in the 1961 Single Convention on Narcotic Drugs and in the Convention on Psychotropic Substances as prescribed in greater detail by decision of the Ministry of Social Affairs and Health. It may further be laid down by Decree that as drugs are considered the plants mentioned in it which contain some substance referred to in the above-mentioned international Conventions.

In this Act as substances used in the manufacture of drugs are considered the substances mentioned on the lists in the Appendix to the UN Convention against Illicit Trafficking in Drugs and Psychotropic Substances adopted in Vienna on 20 December 1988, as well as the preparations containing these substances, as prescribed in greater detail by decision of the Ministry of Social Affairs and Health, exclusive of the pharmaceutical preparations or other preparations containing substances mentioned on the list that have been composed so that the listed substances cannot be used or isolated easily by the methods available.

As manufacture of drugs is considered, except for production, all methods by which drugs may be obtained. As manufacture of drugs is also considered refining, as well as transformation of drugs into other drugs.

Production of drugs refers to the separation of opium, coca leaves, cannabis or cannabis resin from the plants from which they are obtained.

Section 3

General prohibition

Production, manufacture, import, export, distribution, possession and use of and trafficking in drugs is prohibited for purposes other than medical or scientific, or those furthering prevention or investigation of narcotics offences. Further, it is prohibited to grow opium poppy, coca shrub and hemp for use as drugs or their raw material.

Section 4

Licence for medical purposes

Manufacture, import and export of drugs for medical purposes are permitted with the licence of the National Agency for Medicines. No separate manufacture licence is, however, required for preparations.

When considering granting a licence, besides the obligations of the relevant international Conventions, prevention of drug abuse has also to be taken into account. No licence shall be granted for such drugs which are not considered to be of any major use for medical purposes.

A licence for the manufacture of a drug is granted for a fixed period of time. The National Agency for Medicines may, for particular reasons, withdraw a licence granted for manufacture, import or export.

Section 5

Licence for scientific purposes or purposes furthering prevention or investigation of narcotics offences

The National Agency for Medicines may grant an authority or a scientific research institute a licence to import, export or manufacture drugs for scientific research or for purposes furthering the prevention or investigation of narcotics offences. The National Agency for Medicines may empower the chief of the National Bureau of Investigation or the chief of the Crime Investigation Unit of the National Board of Customs to grant licences for import or export of drugs for the purpose of investigation of narcotics offences. The National Agency for Medicines shall be immediately notified of the licences granted on the basis of such power.

In addition to what is provided in paragraph 1, the National Agency for Medicines may in individual cases grant licence for importing, exporting or manufacturing drugs to a minor extent for research purposes.

The National Agency for Medicines may, for particular reasons, withdraw a licence or power referred to in this section.

Section 6

Exemption from being subject to licence and provisions on other control measures

The manufacture, import or export of a drug that is considered to involve, in view of its extensive medicinal use, only a minor risk of abuse may be exempted by Decree from being subject to licence. Import and export of such a combination preparation containing a drug where the amount of the drug is little and exists in a form which is difficult to separate and which does not involve a major risk of abuse may likewise be exempted from being subject to licence by Decree. Provisions on other control measures concerning the substances and preparations referred to may also at the same time be issued by Decree. It can be prescribed by Decree that the National Agency for Medicines shall decide in detail about above-mentioned combination preparations.

In addition to what is provided in paragraph 1, the drugs contained by the dispensaries of vessels and aircrafts in international traffic as well as pharmaceutical preparations meant for travellers' personal medication are exempted from being subject to licence concerning import and export of drugs and other control measures, as provided in greater detail by Decree.

Section 7

Control of substances used in manufacture of drugs

If there is reason to doubt that a substance used in manufacture of drugs is meant for illicit manufacture of drugs, the National Agency for Medicines has the right to prohibit the import, export and delivery of the substance.

Further provisions on the control of substances used in manufacture of drugs shall be issued by Decree.

(591/1994) It can be laid down by Decree that the manufacture, import, export, keeping for sale and other handling of substances used in manufacture of drugs shall be subject to a licence by the National Agency for Medicines or making a notification to it. These licences can include conditions and the National Agency for Medicines may cancel a licence it has granted if:

- 1) this Act, the provisions or regulations issued in virtue of it, or the conditions attached to the licence have been violated or there has been some other malpractice;
- 2) the conditions for the licence are no more fulfilled;
- 3) the information presented when applying for the licence has been faulty;
- 4) the licensee is no more suitable for carrying out the activity in question; or
- 5) it could be suspected on the basis of information received that the substance intended for manufacture of a drug may end up in illicit manufacture of drugs.

Section 8

Labelling

Whosoever manufactures, imports, exports or delivers drugs or substances used in the manufacture of drugs shall see to it that the package containing the substance or preparation bears the necessary identification data.

Further provisions on the requirements concerning the information to be given on the labels and in the documents regarding dispatches and deliveries shall be laid down by Decree. (591/1994)

Section 9 (591/1994)

Obligation to keep books and to give information on drugs and substances used in manufacturing them

Whosoever is entitled to produce, manufacture, import, export, deliver, sell or possess drugs shall keep books on the drugs and the substances used in the manufacture of a drug and give reports and information related to them as prescribed in greater detail by the Ministry of Social Affairs and Health. The National Agency for Medicines shall have at request a right of access to the bookkeeping.

Section 10

Seizure, destroying and submitting to be destroyed

In addition to what is provided in the Coercive Criminal Investigation Means Act (450/1987) concerning seizure, an official with powers of arrest shall seize such drugs that it is, according to sections 3 – 6, illegal to possess. The official with powers to arrest shall verifiably destroy the seized drug or have it destroyed. The drug or part of it shall, however, be retained as long as it is possibly needed as evidence in legal proceedings.

An official with powers of arrest may verifiably destroy or have destroyed such raw material, other substance, equipment or material meant for illicit production, cultivation, manufacture, possession or use of drugs which may be seized, if it is probable that it would be declared forfeit to the state, and if it is of no major value.

A person who has got possession of a drug without being entitled to possess it is liable to submit it without delay to the police or customs authorities.

Section 11

Conditional imposition of a fine

If somebody neglects to fulfil the duties he/she has according to this Act or the provisions or regulations issued in virtue of it, the National Agency for Medicines may order him/her to fulfil the duties under penalty of a fine. As to the fine, the provisions of the Act on conditional imposition of a fine (1113/1990) shall apply.

Section 12

Issuance of regulations and supervision of their observance

The control of drugs and the substances used in manufacturing them is vested in the National Agency for Medicines under the Ministry of Social Affairs and Health.

Where necessary, the Ministry of Social Affairs and Health will issue regulations on storing, retaining, transport and other handling and destroying of drugs and substances used in manufacturing them.

A person appointed by the National Agency for Medicines is entitled to inspect the premises where drugs or substances used in manufacturing them are manufactured, stored, retained or in some other way handled, and in that connection to take free samples for examination.

Section 13

Miscellaneous provisions

Further provisions on the implementation of this Act shall be issued by Decree.

Section 14

Entry into force

This Act enters into force on 1 January 1994.

This Act repeals the Narcotics Act (41/1972) of 21 January 1972, as amended.

Measures necessary for the implementation of this Act may be undertaken before its entry into force.