Chapter 228.

***Dangerous Drugs Act* 1952.**

Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 228.

Dangerous Drugs Act 1952.

ARRANGEMENT OF SECTIONS.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

AN ACT

entitled

***Dangerous Drugs Act* 1952,**

Being an Act relating to dangerous drugs.

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Act–

"dangerous drugs" means–

(*a*) a substance specified in Schedule 1; and

(*b*) any other substance declared to be a dangerous drug under Section 2,

and, unless specifically excluded, includes–

(*c*) any active principle, alkaloid, derivative (natural or synthetic), isomer, esther, ether, salt or compound of such a substance; and

(*d*) all preparations and admixtures containing any proportion of such a substance or any of its active principles, alkaloids, derivatives (natural or synthetic), isomers, esthers, ethers, salt or compounds;

"licence" means a licence under Section 5.

2. DECLARATION OF DANGEROUS DRUGS.

The Minister may, by notice in the National Gazette, declare a substance to be a dangerous drug for the purposes of this Act.

PART II. – CONTROL OF DANGEROUS DRUGS.

3. PRODUCTION, ETC., OF DANGEROUS DRUGS.

(1) A person who knowingly–

(*a*) cultivates a plant from which a dangerous drug can be made; or

(*b*) makes a dangerous drug; or

(*c*) exports a dangerous drug; or

(*d*) is in possession of or conveys a dangerous drug or a plant or part of a plant from which a dangerous drug can be made,

is guilty of an offence unless he is authorized to do so by or under some other Act.

Penalty: Imprisonment for a term of not less than three months and not exceeding two years.

(2) An offence against Subsection (1) is punishable on summary conviction.

4. IMPORTATION OF DANGEROUS DRUGS.

(1) This section does not apply in respect of a dangerous drug imported, or the importation of a dangerous drug, by the holder of a licence and in accordance with the conditions and restrictions imposed by Section 5.

(2) Subject to Subsection (1), the importation into the country of a dangerous drug is prohibited.

(3) A person who–

(*a*) without reasonable excuse (proof of which is on him), has a dangerous drug in his possession on board a ship; or

(*b*) without reasonable excuse (proof of which is on him) has in his possession a dangerous drug that has been imported into the country; or

(*c*) fails to disclose, on demand, to the Minister or to an officer authorized by the Minister for the purpose any information in his possession or power concerning the importation or intended importation into the country of a dangerous drug,

is guilty of an offence.

Penalty: Imprisonment for a term of not less than three months and not exceeding two years.

PART III. – IMPORT LICENSING.

5. LICENCES.

(1) The Minister may grant a licence to a person to import into the country dangerous drugs, or one or more particular forms of dangerous drugs to be specified in the licence, subject to the following conditions and restrictions:–

(*a*) the drugs shall be imported for medicinal purposes only; and

(*b*) a licence to import the drugs shall be issued only to–

(i) a medical practitioner; or

(ii) a veterinary surgeon registered under the *Veterinary Surgeons Act 1966* or under a law of a State of Australia; or

(iii) a dentist; or

(iv) a pharmacist; or

(v) a person who proves to the satisfaction of the Minister that he is a fit and proper person to be allowed to import dangerous drugs or the particular form of dangerous drugs that he seeks permission to import.

(2) A licence–

(*a*) shall be in the prescribed form; and

(*b*) is for a period of one year and may be renewed from time to time for a like period.

(3) Before a licence is granted the applicant shall–

(*a*) give security to the satisfaction of the Minister that–

(i) all importations made by him under the licence or of any renewal of the licence will be disposed of for medicinal purposes only; and

(ii) he will record in a book kept by him for the purpose particulars of the quantities imported and except where the Minister, by written notice, declares otherwise, how and to whom they have been disposed of; and

(iii) he will at all reasonable times produce to the Minister, or an officer authorized by the Minister for the purpose, the book so kept and the balance of the importations on hand at the time when the book is produced; and

(iv) he will comply with this Act; and

(*b*) give a written undertaking that he will be responsible for the making of reasonable inquiries as to the purpose and destination of dangerous drugs imported under the licence and subsequently sold, with a view to assuring himself that the drugs are intended for medicinal purposes only.

6. CANCELLATION OF LICENCE.

The Minister may at any time cancel a licence.

7. IMPORT AUTHORIZATION.

(1) The holder of a licence shall advise the Minister of his intention to import dangerous drugs and shall state–

(*a*) the exact description and quantity of the drugs to be imported; and

(*b*) the name and address of the firm in the exporting country from which the drugs are to be obtained.

(2) The Minister may issue to the importer a certificate in the prescribed form, specifying the period within which the importation must be effected.

8. STORAGE OF DANGEROUS DRUGS.

The holder of a licence who has in his possession dangerous drugs must–

(*a*) store them in a locked cupboard or room; and

(*b*) retain the custody of the key of the cupboard or room.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

9. CONFISCATION OF DANGEROUS DRUGS ON TERMINATION OF LICENCE.

(1) Where–

(*a*) the holder of a licence who–

(i) has in his custody or possession dangerous drugs of which he is the owner; and

(ii) is not authorized to sell poisons and dangerous substances under Section 8 of the *Poisons and Dangerous Substances Act 1952*,

surrenders his licence; or

(*b*) the licence of any such licensee expires or is cancelled,

the Minister or an officer authorized by the Minister for the purpose shall, on the surrender, expiration or cancellation, as the case may be, confiscate the dangerous drugs in the custody or possession of the licensee.

(2) Where dangerous drugs are confiscated under Subsection (1), the State may pay to the licensee compensation in such sum as the Minister, in the particular case, thinks proper.

(3) Where–

(*a*) the holder of a licence who–

(i) has in his custody or possession dangerous drugs of which he is not the owner; and

(ii) is not authorized to sell poisons and dangerous substances under Section 8 of the *Poisons and Dangerous Substances Act 1952*,

surrenders his licence; or

(*b*) the licence of any such licensee expires or is cancelled,

and the owner of the dangerous drugs is not authorized to sell poisons and dangerous substances under Section 8 of the *Poisons and Dangerous Substances Act 1952*, the owner must immediately notify the Minister, in writing, of the surrender, expiration or cancellation, as the case may be.

Penalty: A fine not exceeding K100.00 or imprisonment for a term not exceeding three months.

(4) Where notice is given under Subsection (2), the Minister, or an officer authorized by the Minister for the purpose, shall confiscate the dangerous drugs and the State may pay to the owner compensation in such sum as the Minister, in the particular case thinks proper.

PART IV. – MISCELLANEOUS.

10. FORFEITURE OF DANGEROUS DRUGS ILLEGALLY IMPORTED.

Dangerous drugs imported in contravention of this Act or of a licence shall be seized by a Customs Officer and may be dealt with as the Minister directs.

11. RETURNS AS TO DANGEROUS DRUGS.

The Minister shall furnish to the National Executive Council–

(*a*) during the month of January in each year a return setting out–

(i) the stocks of dangerous drugs held by importers in the country; and

(ii) the imports of dangerous drugs into, and the consumption of dangerous drugs in, the country during the preceding year; and

(iii) the amount of dangerous drugs confiscated during the preceding year, the reasons for confiscation and the manner of disposal of the confiscated drugs; and

(*b*) a quarterly return setting out the imports of dangerous drugs during the preceding three months.

12. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular–

(*a*) for requiring persons to furnish such returns in relation to dangerous drugs as are necessary for the purposes of carrying out this Act; and

(*b*) for prescribing the fees to be paid for the issue of a licence; and

(*c*) for prescribing the forms to be used for the purposes of this Act; and

(*d*) for prescribing penalties of fines not exceeding K100.00 for a breach of the regulations.

SCHEDULE 1 – DANGEROUS DRUGS.

Acetorphine (M. 183).

Acetyldihydrocodeine, except in preparations containing not more than 100 mg of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations.

Acetylmethadol.

Allylprodine.

Alphacetylmethadol.

Alphameprodine.

Alphamethadol.

Alphaprodine.

Amphetamine, except when the base is supplied for inhalation and is absorbed on an inert solid material.

Anileridine.

Benzylmorphine.

Betacetylmethadol.

Betameprodine.

Betamethadol .

Betaprodine.

Bufotenine.

Bunamiodyl.

Cannabis and Cannabis resin, and extracts and tinctures of Cannabis.

Clonitazene.

Coca leaf.

Cocaine, except in preparations containing not more than 0.1% of cocaine.

Codoxime (dihydrocodeinone-6-carboxymethyloxime).

Concentrate of poppy straw (the material arising when poppy straw has entered into a process of concentration of its alkaloids).

Desomorphine.

Dextromoramide.

Dextropropoxyphene, except in preparations containing not more than 100 mg of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations.

Diacetylmorphine (heroin).

Diacetylnalorphine.

Diampromide.

Diethylthiambutene.

Dihydrohydroxymorphinone (oxymorphone).

Dihydromorphine.

Dimenoxadol.

Dimepheptanol.

Dimethylthiambutene.

Dimethyltryptamine.

Dioxaphetyl Butyrate.

Diphenoxylate, except in preparations containing not more than 2.5 mg of diphenoxylate calculated as the base and not less than 25 micrograms of atropine sulphate per dosage unit.

Dipipanone.

Ecgonine.

Ethylmethylthiambutene.

Ethylmorphine, except in preparations with a concentration of2.5% or less.

Etonitazene.

Etorphine (M.99).

Etoxeridine.

Fentanyl.

Furethidine.

Heptane Derivatives having addiction properties and not specifically listed.

Hydrocodone (dihydrocodeinone).

Hydromorphinol (14-hydroxydihydromorphine).

Hydromorphone (dihydromorphinone).

Hydroxypethidine.

Isomethadone.

Ketobemidone.

Levomethorphan.

Levomoramide.

Levophenacylmorphan.

Levorphanol.

Lysergic acid.

Lysergic acid diethylamide.

Mescaline.

Metazocine.

Methadone.

Methadone–Intermediate.

Methyldesorphine.

Methyldihydromorphine.

1-methyl-4-phenylpiperidine-4-carboxylic acid.

Metopon (5-methyldihydromorphinone).

Moramide–Intermediate.

Morpheridine.

Morphinan.

Morphine, except in any solution or dilution in an inert substance containing 0.2% or less of morphine calculated as anhydrous morphine.

Morphine derivatives not specifically listed.

Morphine methobromide and other pentavalent nitrogen morphine derivatives.

Morphine-N-oxide.

Morphine substitutes not specifically listed.

Myrophine.

Nicocodine.

Nicodicodine.

Nicomorphine.

Noracymethadol.

Norlevorphanol.

Normethadone.

Normorphine (demethylmorphine).

Norpipanone.

Opium in any form–except the alkaloid Papaverine–and in substances containing more than 0.2% of morphine calculated as anhydrous morphine.

Oxycodone.

Oxymorphine.

Pethidine.

Pethidine-Intermediate-A.

Pethidine-Intermediate-B.

Pethidine-Intermediate-C.

Phenadoxone.

Phenamprodine.

Phenazocine.

Phenomorphan.

Phenoperidine.

Pholcodine, except in preparations containing not more than 100 mg of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations.

Piminodine.

Piperidine derivatives having addiction properties and not specifically listed.

Piritramide.

Proheptazine.

Properidine.

Psilocin.

Psilocybin.

Racemethorphan.

Racemoramide.

Racemorphan.

Thebacon.

Thebaine.

Trimeperidine.

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Allylprodine.

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Dimepheptanol.

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Furethidine.

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Hydromorphone (dihydromorphinone).

Hydroxypethidine.

Isomethadone.

Ketobemidone.

Levomethorphan.

Levomoramide.

Levophenacylmorphan.

Levorphanol.

Lysergic acid.

Lysergic acid diethylamide.

Mescaline.

Metazocine.

Methadone.

Methadone–Intermediate.

Methyldesorphine.

Methyldihydromorphine.

1-methyl-4-phenylpiperidine-4-carboxylic acid.

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