



SAMOA

NARCOTICS ACT 1967

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NARCOTICS ACT 1967

1967

No.3

AN ACT to regulate the importation, exportation, growing, manufacture, sale, distribution, use and possession of narcotic drugs.

[Assent date: 24 July 1967]

[Commencement date: 1 August 1967]

1. Short title and commencement – This Act may be cited as the Narcotics Act 1967, and comes into force on 1 August 1967.

2. Interpretation – (1) In this Act, unless the context otherwise requires:

“Chief Executive Officer” means the Chief Executive Officer of the Ministry of Health;

“Class A narcotics” means the narcotics specified or described in the First Schedule;

“Class B narcotics” means the narcotics specified or described in the Second Schedule;

“Class C narcotics” means the narcotics specified or described in the Third Schedule;

“constable” includes a member of the Samoa Police Service;

“controlled precursor” means a substance:

(a) specified or described in the Fourth Schedule; or

(b) prescribed by the Head of State under section 5(3);

“controlled quantity” in relation to a controlled precursor means a quantity prescribed by the Head of State under section 5(4) as a quantity that is to be regarded as a controlled quantity of that controlled precursor;

“cultivate” or “cultivation” includes sow and plant; “deal in” or “dealing in” includes purchase, receive, or otherwise acquire, or produce, manufacture, sell, distribute, dispense, administer, use in manufacture or otherwise dispose of; “dentist” has the same meaning given by the Medical Practitioners Act 2007;

- “inspector” means an inspector appointed under section 4 of this Act;
- “Ministry” means the Ministry of Health;
- “medicinal opium” means opium which has undergone the processes necessary to adapt it for medicinal use;
- “medical practitioner” has the meaning given by the Medical Practitioners Act 2007;
- “Minister” means the Minister responsible for Health;
- “Narcotic” means a plant, drug, substance, preparation, mixture or article specified or described in the First, Second and Third Schedules and includes a prohibited plant;
- “nurse” has the same meaning given by the Nursing and Midwifery Act 2007;
- “opium” means the coagulated juice of the opium poppy;
- “opium poppy” means the plant of the species *Papaver somniferum L*;
- “pharmacist” has the same meaning given by the Pharmacy Act 2007;
- “prepared opium” means a form of opium other than raw opium and medicinal opium, and includes opium prepared for smoking, and dross and any other residues remaining after opium has been smoked;
- “prohibited plant” means:
- (a) a plant of the genus *cannabis*; or
 - (b) a plant of the species *papaver somniferum*; or
 - (c) *erythroxyton coca* and *erythroxyton novagranatense* (*syn E truxillense*) and every other species of the genus *erythroxyton* from which a narcotic can be produced; or
 - (d) a plant of the species *lophophora williamsii* or *lophophora lewinii*; or
 - (e) a fungus of the genera *conocybe*, *panaeolus* or *psilocybe* from which a narcotic can be produced or which contains a narcotic; or
 - (f) any other plant approved by the Minister by notice issued to that effect;
- “regulations” means regulations made under this Act;
- “trafficable quantity” in relation to a narcotic means a quantity not less than the quantity prescribed by the

Head of State under section 5(2) as a trafficable quantity of that narcotic.

(2) In calculating for the purposes of this Act the percentage of any drug present in a preparation, the percentage in the case of a liquid preparation shall, unless otherwise prescribed, be calculated on the basis that a preparation containing one part percent of any substance means a preparation in which one gramme of the substance, if a solid, or one millilitre of the substance, if a liquid, is contained in every 100 millilitres of the preparation, and so in proportion for any greater or less percentage.

(3) In calculating, for the purposes of this Act, the percentage of morphine present in a preparation it shall be calculated as in respect of *anhydrous* morphine.

3. Administration of Act – The Chief Executive Officer and the Ministry, under the control of the Minister, is charged with the administration of this Act.

4. Appointment of inspectors – The Public Service Commission may, on the recommendation of the Chief Executive Officer, appoint an officer of the Public Service to be an inspector for the purposes of this Act and having the powers conferred on inspectors by this Act.

4A. Classification of narcotics – When considering the appropriate sentence or any other relevant matter, the classification of narcotics under this Act is based on the risk of harm the narcotic poses to individuals, or to society, by its misuse and accordingly:

- (a) narcotics that pose a very high risk of harm are classified as Class A narcotics; and
- (b) narcotics that pose a high risk of harm are classified as Class B narcotics; and
- (c) narcotics that pose a moderate risk of harm are classified as Class C narcotics.

5. Head of State may amend lists of narcotics or prohibited plants – (1) The Head of State, acting on the advice of Cabinet, may by order add to or omit any drug, preparation or substance from the list of narcotics specified or described in

the First, Second or Third Schedule, or any plant from the list of prohibited plants set out in section 2, as those lists are varied by an order previously made, or transfer any drug preparation or substance from a Schedule to this Act or to another.

(2) The Head of State, acting on the advice of Cabinet, may by order prescribe in relation to a narcotic, a quantity that is to be regarded as a trafficable quantity of that narcotic.

(3) The Head of State, acting on the advice of Cabinet, may by order add a new substance to the Fourth Schedule or amend or omit a substance that is listed in the Fourth Schedule.

(4) The Head of State acting on the advice of Cabinet may by order prescribe in relation to a controlled precursor, a quantity that is to be regarded as a controlled quantity of that controlled precursor.

6. Unlawful cultivation of prohibited plants – (1) A person who:

- (a) cultivates a prohibited plant; or
- (b) has in his or her possession the seed of a prohibited plant, –

commits an offence, and is liable on conviction to imprisonment for a term not exceeding 14 years.

(2) If the Court is satisfied that an offence against this section was not committed wilfully, then the offender is liable to a fine not exceeding 20 penalty units or to imprisonment for a term not exceeding 2 years, or both, instead of being liable to the penalty specified in subsection (1).

(3) It is a defence to a charge under subsection (1) if the defendant proves:

- (a) that the defendant cultivated the prohibited plant or had in the defendant's possession the seed of the prohibited plant, as the case may be, to which the charge relates, under the conditions of a licence granted under this Act by the Chief Executive Officer; or
- (b) that the prohibited plant or the seed as the case may be, to which the charge relates, is a variety of *Papaver Somniferum L*, and that it was not intended to be a source of any narcotic or that it was not being developed as a strain from which a narcotic could be produced.

(4) A constable, an inspector or officer of Customs, Health, or Agriculture, with such assistants as he or she thinks necessary, may seize and destroy:

- (a) a prohibited plant that is being cultivated otherwise than in accordance with the conditions of a licence granted under this Act by the Chief Executive Officer; or
- (b) the seed of any prohibited plant if that seed is in the possession of any person otherwise than in accordance with the conditions of a licence granted under this Act by the Chief Executive Officer.

7. Possession and use of narcotics – (1) No person shall:

- (a) knowingly be in possession of, or attempt to obtain possession of, a narcotic, or;
- (b) knowingly procure, consume, smoke or otherwise use, a narcotic; or
- (c) attempt to supply or administer, or supply or administer, a narcotic to or on any other person, or otherwise deal in the narcotic in any other manner, –

unless expressly exempted under subsection (2).

(2) A person is exempted from subsection (1) if:

- (a) the person is entitled to import or export that narcotic; or
- (b) the person is licensed to deal in that narcotic; or
- (c) the narcotic was supplied for the person's use, or for the treatment of some animal under his or her care, by a licensee, or pursuant to the prescription of a licensee, authorised to supply or prescribe narcotics for that purpose; or
- (d) the person's possession is for or on behalf of a person lawfully entitled to the possession of that narcotic; or
- (e) the person's possession is permitted by the regulations; or
- (f) the person has the narcotic as a sample or for analysis under the Drugs Act 1967; or
- (g) the person is in the service of the Government and the person's possession is for the purpose of

investigating an offence or alleged offence or the prosecution of any person; or

- (h) the person is lawfully in possession of the narcotic pursuant to an authority or supply granted or issued under section 8 or 9, –

and the onus is on the person to prove that the person falls within any of the exemptions in this subsection.

8. Supplies of opium for registered addicts – (1) The Chief Executive Officer may keep the register of persons who in his or her opinion have become addicted to the quasi-medical use of opium prior to the passing of this Act, and are unlikely to be able to be safely cured of that addiction.

(2) The Chief Executive Officer may supply such reasonable quantities of medicinal opium as he or she shall think fit to persons whose names are on that register.

(3) Each such person may personally make a quasi-medical use of the medicinal opium so supplied to him or her without committing an offence against this Act.

9. Supplies of narcotics or controlled precursors for ships, aircraft and first aid kits – The Chief Executive Officer may in writing, subject to such conditions as he or she may specify, authorise the master of a ship or the person-in-charge of an aircraft, or the person having control of a first aid kit within Samoa approved by the Chief Executive Officer, to obtain and to be in possession of such narcotics or controlled precursors as in the case of a ship or aircraft are authorised or required to be carried on such ship or aircraft by the country of registry of the ship or aircraft for medical stores or as are usually carried by such ship or aircraft for that purpose only, and in the case of a first aid kit for use for emergency purposes only.

10. Restrictions on the import and export of narcotics and controlled precursors – (1) No person shall import into or export from Samoa any prepared opium or prohibited plant.

(2) No person shall import into or export from Samoa a narcotic specified or described in the First, Second or Third Schedules to this Act except pursuant to a licence granted by the Chief Executive Officer.

(3) No licence under subsection (2) or (3A) to import or export any narcotic or a controlled quantity of controlled precursor is to be granted except to a person who is licensed under section 11 to deal in that narcotic or controlled precursor.

(3A) No person shall import into or export from Samoa a controlled quantity of a controlled precursor except under a licence granted by the Chief Executive Officer.

(3B) No person shall import into or export from Samoa a controlled precursor, unless that person proves he has a reasonable excuse to import or export the controlled precursor.

(3C) Without limiting subsection (3B), a person has a reasonable excuse if:

(a) for any controlled precursor he or she imports into Samoa—

(i) the controlled precursor is imported by a person and that person has the intention or belief that it will be used for the manufacture or production of a narcotic by a licensed person under this Act;

(ii) the controlled precursor is imported by a person and that person has the intention or belief that it will be used for the treatment of an animal under the care of a licensed person under this Act;

(iii) the precursor is imported by a person and that person has the intention or belief that it will be used for a lawful purpose including but not limited to an agricultural, commercial or industrial purpose or activity;

(iv) the controlled precursor is imported by a person and that person has the intention or belief that it will be used as a sample or for analysis, under the Drugs Act 1967;

(v) the controlled precursor is for the purpose of investigating an offence or alleged offence or the prosecution of a person;

(vi) the controlled precursor is lawfully in his or her possession pursuant to a licence or authority granted under this Act or other law of Samoa in force at the time;

- (b) the controlled precursor is exported by a person and that person has the intention or belief that it will be used for a purpose that is lawful under the law of the country to which the controlled precursor is exported.

(3D) No person shall import into Samoa a controlled precursor for the purpose of the commission of an offence by that person or any other person.

(3E) No person shall export from Samoa a controlled precursor for the purpose of the commission of an offence against this Act or the law of the country to which the controlled precursor is exported by that person or any other person.

(4) Nothing in this section applies to or prohibits the carriage through Samoa by ships or aircraft of:

- (a) such quantities only of narcotics as are authorised or required to be carried on any such ship or aircraft by the country of registry of the ship or aircraft for medical stores or as are usually carried by such ship or aircraft for that purpose only;
- (b) narcotics whose destination is out of Samoa if such narcotics are accompanied by a copy of an export authorisation from the country from which they have been exported showing the nature, description, quantity, and destination of such narcotics, and such narcotics correspond with details shown in the export authorisation.

11. Licences to deal in narcotics or any controlled quantity of any controlled precursors – (1) Subject to subsection (2), no person shall deal in a narcotic or controlled quantity of a controlled precursor except pursuant to a licence granted by the Chief Executive Officer.

(2) A licence under subsection (1) is not to be granted unless the person applying for a licence:

- (a) deals in narcotics or a controlled quantity of a controlled precursor in the course of his or her employment or commercial activity; or
- (b) is regarded as a fit and proper person to deal in the controlled precursor and is explicitly authorised

to deal in the controlled precursor by the terms of a licence under this Act.

(3) A licence under this section may be granted subject to restrictions and conditions as the Chief Executive Officer thinks fit, and may be either general or apply only to a particular case or matter.

12. Approval of Minister required for grant of licences to some persons – Except with the approval of the Minister, no licence of any kind is to be granted to any person who has been convicted of an offence against any provision of this Act or the regulations or any Act or regulations repealed or revoked by this Act, or who being a previous holder of a licence has had it cancelled for any breach of any condition thereof or of any provision of this Act or the regulations or any Act or regulations so repealed or revoked.

13. Miscellaneous offences – A person who:

- (a) uses or permits to be used any premises or vehicle for the purpose of the commission of an offence; or
 - (b) has in his or her possession a needle, syringe, pipe or other utensil for any such purpose of the commission of an offence; or
 - (c) without lawful excuse, smokes or otherwise uses prepared opium or is on premises being used for the smoking of opium, –
- commits an offence and is liable to imprisonment for a term not exceeding 7 years or a fine not exceeding 200 penalty units, or both.

14. Issue of search warrants – (1) If a Judge of the Supreme Court or a District Court Judge is satisfied by information on oath that there is reasonable ground for suspecting:

- (a) that a narcotic or controlled precursor is in the possession or under the control of a person in a building, aircraft, ship, carriage, vehicle, premises or place (hereinafter collectively referred to as “premises”), and that an offence against this Act or the regulations has been

committed in relation to such narcotic or controlled precursor; or

- (b) that there is in the possession or under the control of a person in any premises any document directly or indirectly relating to or connected with any transaction or dealing which was, or any intended transaction or dealing which would if carried out be an offence against any provision of this Act or the regulations, or, in the case of a transaction or dealing carried out or intended to be carried out in any place outside Samoa, an offence against the provisions of any law corresponding with or having objects similar to this Act or the regulations in force in that place,

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the Judge may grant a search warrant authorising a constable or inspector named in the warrant or any other constable or inspector, at any time or times within one month from the date of the warrant, to enter with such assistants as he or she thinks necessary, and if need be by reasonable force, the premises named in the warrant, to search those premises and any persons found therein, and to seize and detain any such narcotic or document or evidence of an offence found on or in those premises or on any such person.

(2) A constable or an inspector executing a search warrant granted under this section shall have the warrant with him or her and produce it if required to do so.

14A. Search without a warrant – (1) Where:

- (a) under the circumstances that an immediate search is to be carried out; and
- (b) there is no time to apply for a search warrant as provided under section 14,—

a constable, if he or she has reasonable ground to believe that there is in or on a building, aircraft, ship, carriage, vehicle, premises or place a narcotic or controlled precursor for which an offence has been committed, the constable, with any assistants he or she may require, may enter and search the building, aircraft, ship, carriage, vehicle, premises, or place and a person found therein or thereon as if authorised to do so by a search warrant issued under

section 83 of the Criminal Procedure Act 1972 and by section 14(1) of this Act.

(2) Where a constable has reasonable ground for believing that a person is in possession of a narcotic or controlled precursor and that an offence has been or is suspected of having been committed in respect of that narcotic or controlled precursor, he or she may search and detain that person for the purpose of search and may take possession of a narcotic or controlled precursor found.

(3) Nothing in subsection (2) limits subsection (1) or authorises a member of the Police to enter and search a building, aircraft, ship, carriage, vehicle, premises, or place otherwise than in accordance with that subsection.

(4) A constable exercising a power of search or of entry and search conferred by subsections (1) and (2) shall identify himself or herself to a person searched, and also to a person in or on the building, aircraft, ship, carriage, vehicle, premises, or place who questions his or her right to enter and search the same, and shall also tell that person that the search is being made pursuant to the authority of subsections (1) and (2), and he or she shall also, if not in uniform and if so required, produce evidence that he or she is a constable.

(5) A constable exercising the power of search or of entry and search under subsections (1) and (2) shall within 72 hours after the search submit to the Commissioner of the Samoa Police Service a report in writing stating the reason for and result of the search.

15. Power to inspect books and stocks of narcotics or controlled precursor – (1) A constable or officer of Customs or Health or inspector shall have power to enter the premises of a person carrying on the business of a producer, manufacturer, seller or distributor of any narcotic, or who otherwise undertakes the supply or administration thereof, and to demand the production of and to inspect any books or records relating to dealings in any narcotic or controlled precursor, and to make copies of any entries appearing therein, and to inspect, weigh, measure and record the stocks of any narcotic or controlled precursor.

(2) If a person wilfully delays or obstructs a constable or officer of Customs or Health or inspector in the exercise of his

or her powers under this section, or fails to produce, or conceals or attempts to conceal, any such books, documents or stock, he or she commits an offence.

16. Power of arrest of person suspected of committing offence – (1) If a constable, officer of Customs or inspector has reasonable cause to believe or suspect, or finds, that a person has imported into or exported from Samoa any narcotic or controlled precursor in contravention of this Act, or has been concerned in such importation or exportation, or is engaged in dealing in any narcotic or controlled precursor in contravention of any such provision, or is in possession of any narcotic or other thing in contravention thereof, he or she may arrest that person without a warrant.

(2) Pending the laying of an information against the person so arrested, the remanding officer before whom the accused is produced pursuant to Article 6(4) of the Constitution may either discharge the accused from custody or adjourn the matter for a period not exceeding 48 hours, and may, if the proceedings are so adjourned, either remand the accused in custody or release him or her on recognizance, with or without sureties, to appear at the time and place to which the matter has been so adjourned, in the same manner, so far as may be, as if an information had been laid against the accused by the officer or inspector by whom he has been so arrested.

(3) If at the time to which the matter has been so adjourned no information for an offence as aforesaid has already been laid in accordance with this Act the accused shall be discharged.

(4) The arrest or discharge of a person under this section shall not take away or in any manner affect the right of proceeding against him or her in respect of an offence under this Act which may have been committed previously to that arrest or discharge.

17. Penalty for illegal import or export of narcotics – A person who imports into or exports from, or attempts to import into or export from, Samoa any narcotic in contravention of this Act commits an offence, and is liable to:

- (a) imprisonment for life where a Class A narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or

- (b) imprisonment for a term not exceeding 14 years where paragraph (a) does not apply but a Class B narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (c) imprisonment for a term not exceeding 7 years where a Class C narcotic was the narcotic in relation to which the offence was committed or any narcotics not listed in any of the Schedules.

17A. Penalty for illegal import or export of controlled precursors – (1) A person who imports into or exports from, or attempts to import into or export from, Samoa any controlled precursor without a licence commits an offence, and is liable to imprisonment for a term not exceeding 14 years or to a fine not exceeding 500 penalty units, or both.

(2) A person who imports into or exports from Samoa, or attempts to import into or export from Samoa, any controlled precursor for the purpose of unlawfully manufacturing a narcotic under section 18A is liable to:

- (a) imprisonment for life where a Class A narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (b) imprisonment for a term not exceeding 14 years where paragraph (a) does not apply but a Class B narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (c) imprisonment for a term not exceeding 7 years where a Class C narcotic was the narcotic in relation to which the offence was committed or any narcotics not listed in any of the Schedules.

18. Penalty for unlawful supply or possession of narcotics – A person who contrary to this Act or the regulations:

- (a) deals in or has possession of any narcotic;
- (b) sells, gives, supplies or administers or offers to sell, give, sell or supply any narcotic to any person,
- (c) procures, consumes, smokes or otherwise uses any narcotic, –

commits an offence and is liable to:

- (a) imprisonment for life where a Class A narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (b) imprisonment for a term not exceeding 14 years where paragraph (a) of this subsection does not apply but a Class B narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (c) imprisonment for a term not exceeding 7 years where a Class C narcotic was the narcotic in relation to which the offence was committed or any narcotics not listed in any of the Schedules:

PROVIDED THAT if the Judge is satisfied that the contravention of this Act or the regulations was not wilful, or that it constituted merely a breach of a provision relating to the keeping of books or the issuing or dispensing of prescriptions or other matters of a procedural character, the offender is liable to a fine not exceeding 5 penalty units or to imprisonment for a term not exceeding 2 years or both.

18A.Unlawful manufacture of a narcotic – (1) A person who manufactures a narcotic in contravention of this Act commits an offence and is liable to:

- (a) imprisonment for life where a Class A narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (b) imprisonment for a term not exceeding 14 years where paragraph (a) does not apply but a Class B narcotic was the narcotic or one of the narcotics in relation to which the offence was committed; or
- (c) imprisonment for a term not exceeding 7 years where a Class C narcotic was the narcotic in relation to which the offence was committed or any narcotics not listed in any of the Schedules.

(2) In this section, “manufacture” means any process by which a narcotic is produced (other than the cultivation of a plant), and includes the following:

- (a) the process of extracting or refining a narcotic;

(b) the process of transforming a substance into a narcotic.

(3) For the purposes of this section, a person manufactures a narcotic if the person, whether directly or indirectly:

- (a) engages in its manufacture; or
- (b) exercises control or direction over its manufacture; or
- (c) provides finance for its manufacture.

18B. Unlawful sale, manufacture, supply or possession of a controlled precursor – (1) A person who:

- (a) sells a controlled precursor believing that the person to whom it is sold, or another person, intends to use any of the substance to manufacture a narcotic; or
- (b) manufactures a controlled precursor with the intention of using any of it to manufacture a narcotic; or
- (c) manufactures a controlled precursor—
 - (i) with the intention of selling any of it to another person; and
 - (ii) believing that the other person intends to use any of the substance to manufacture a narcotic; or
- (d) possesses a controlled quantity of a controlled precursor with the intention of using any of it to manufacture a narcotic; or
- (e) possesses or attempts to obtain possession of, a controlled quantity of a controlled precursor except pursuant to a licence granted under section 11; or
- (f) supplies or attempts to supply a controlled precursor to a person believing that the person intends to use any of the substances to manufacture a narcotic; or
- (g) deals in a controlled precursor believing that the person intends to use any of the substances to manufacture a narcotic, –

commits an offence and is liable to a fine not exceeding 1000 penalty units or to imprisonment for a term not exceeding 14 years or both.

(2) For the purposes of this section, if a person sells, manufactures or possesses a controlled quantity of a controlled precursor, the person is taken to have sold or manufactured or to possess the controlled quantity of the controlled precursor with the intention that the controlled precursor be used for the manufacture of a narcotic and the onus is on the person to prove that the person did not have that intention.

(3) A person who sells a controlled quantity of a controlled precursor to a person who is not licensed under this Act commits an offence and is liable to a fine not exceeding 10 penalty units or to imprisonment for a term not exceeding 2 years, or both, unless that person proves that he or she had reason to believe that the person he or she sold the controlled precursor to is licensed under this Act.

19. Abetting offence against corresponding law in another country – A person who in Samoa aids, abets, counsels, or procures the commission in any place outside Samoa of offence punishable under any law corresponding with or having objects similar to this Act and in force in that place, or who does any act preparatory to or in furtherance of the commission out of Samoa of any act which, if committed in Samoa, would constitute an offence, commits an offence and is liable to a fine not exceeding 4 penalty units or to imprisonment for a term not exceeding 2 years, or to both such fine and imprisonment.

20. Failure to comply with conditions of licence – (1) A person who acts in contravention of or fails to comply with a term or condition of a licence issued under this Act commits an offence, and is liable to a fine not exceeding 2 penalty units.

(2) A person who imports into Samoa a controlled quantity of a controlled precursor under a licence granted by the Chief Executive Officer under section 10 must keep accurate records of the sale, use or other disposal of the precursor and shall upon request by a sworn police officer or an officer authorised by the Chief Executive Officer, make those records available for inspection.

(3) A person who fails to keep records required under subsection (2) or fails to make those records available for inspection when requested under subsection (2), commits an

offence and is liable to a fine not exceeding 100 penalty units or to imprisonment for a term not exceeding 2 years or both.

21. Penalty for false statement – A person who, for the purpose of obtaining, whether for himself or herself or any other person, the grant or renewal of a licence under this Act, or for any other purpose in relation to this Act, makes a declaration or statement which to his or her knowledge is false in any particular, or utters, produces, or makes use of any such declaration or statement or any document containing the same, or knowingly utters, produces, or makes use of any document which is not genuine, commits an offence, and is liable to a fine not exceeding 2 penalty units or to imprisonment for a term not exceeding 12 months, or to both such fine and imprisonment.

22. Failure to answer question – A person who fails or refuses to answer a question which an officer of Customs or Health or constable, or inspector is authorised by this Act to put to that person for the purposes of this Act and does put to him or her, or who does not truly answer the same, commits an offence.

23. General offence – A person commits an offence against this Act or regulations who acts in contravention of or fails to comply in any respect with this Act or regulations, or of any requirement, direction, prohibition, notice, approval, or condition given or imposed thereunder.

24. General penalty – (1) A person who commits an offence against this Act or regulations for which no other penalty is provided by this Act or the regulations is liable to a fine not exceeding 10 penalty units or to imprisonment for a term not exceeding 2 years, or to both such fine and imprisonment.

(2) Where a person commits an offence against this Act or regulations for which no penalty is provided elsewhere than in this section, being an offence which involves the unlawful supplying or procuring of any narcotic or controlled precursor, or the unlawful offering to supply or procure any narcotic or controlled precursor, and that person has previously been convicted of an offence against this Act or the regulations

involving any such unlawful supplying, procuring or offering, he or she is liable to a fine not exceeding 200 penalty units or to imprisonment for a term not exceeding 7 years, or to both such fine and imprisonment.

25. Forfeiture of goods – (1) If a person is convicted of an offence against this Act or regulations, then, in addition to a penalty imposed pursuant to this Act or regulations, there shall be forfeited to the Government by virtue of the conviction, all articles, if any, in respect of which the offence was committed and in the possession of that person.

(2) Articles forfeited under subsection (1) are to be sold, destroyed, or otherwise disposed of as the Minister directs.

25A. Repealed by section 87 of the Proceeds of Crime Act 2007.

25B. Mandatory reporting of suspicion of illegal use of a narcotic or controlled precursor – (1) If a medical practitioner, nurse, pharmacist, dentist or veterinary reasonably suspects that a person they are treating or providing service for has illegally used a narcotic or controlled precursor, that medical practitioner, nurse, pharmacist, dentist or veterinarian must as soon as practicable report to a police officer the name of the person they are treating or serving and the grounds of their suspicion.

(2) A medical practitioner, nurse, pharmacist, dentist or veterinarian who fails to report to a police officer as required under subsection (1), commits an offence and is liable to a fine not exceeding 10 penalty units.

26. Onus of proof in certain cases – (1) In proceedings under this Act or regulations against a person in which it is proved that he or she had in his or her possession any narcotic or controlled precursor or controlled quantity of a controlled precursor, the onus of proving (where such proof would constitute an answer to the charge) that he or she came into possession thereof in a manner not prohibited by this Act or regulations lies on the person charged.

(2) In any such proceedings under this Act or the regulations it shall not be necessary to prove that the narcotic or controlled

precursor or controlled quantity of a controlled precursor was imported into Samoa since the coming into force of this Act.

27. Chief officers of company liable for offence by company – Where a person convicted of an offence against this Act or regulations is a company, a director and an officer concerned in the management of the company commits the like offence, unless he or she proves that the act constituting the offence took place without his or her knowledge or consent.

28. Protection of persons acting under authority of Act – A person who does any act in pursuance or intended pursuance of this Act or regulations is not under any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, or mistake of law or fact, or on any other ground, unless he or she has acted in bad faith or without reasonable care.

28A. Obstruction of officers – A person who wilfully obstructs, hinders, resists, or deceives a constable, officer of Customs or inspector in the execution of any duties or powers conferred under this Act commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years.

28B. *Repealed as it was ruled unconstitutional in Police v Stehlin [1993] WSCA 4.*

29. Regulations – (1) The Head of State, acting on the advice of Cabinet, may make such regulations as in his or her opinion may be necessary or expedient for giving full effect to this Act and for the due administration thereof.

(2) Without limiting subsection (1), regulations may be made for all or any of the following purposes:

- (a) controlling or restricting the cultivation of prohibited plants and the sale, distribution, and possession of the seeds of prohibited plants;
- (b) prescribing the forms of licences under this Act, including the terms and conditions thereof, and enabling additional conditions to be imposed;
- (c) the granting, renewal, and cancellation of licences under this Act;

- (d) permitting the import, export, possession or dealing in all or any narcotics or controlled precursor or controlled quantity of a controlled precursor otherwise than pursuant to a licence under this Act but subject to such conditions as may be prescribed;
- (e) requiring persons engaged in the import or export of, or who are dealing in, any narcotic or controlled precursor or controlled quantity of a controlled precursor, or who utilise any narcotic or controlled precursor or controlled quantity of a controlled precursor in the exercise of their profession or calling, to keep books in such form and manner and to furnish information with respect to such matters as may be prescribed;
- (f) the issue by medical practitioners, dentists, and veterinary surgeons of prescriptions containing any narcotic or controlled precursor or controlled quantity of a controlled precursor;
- (g) the dispensing and compounding of narcotics or controlled precursor or controlled quantity of a controlled precursor;
- (h) the packing, labelling, storing and carriage of narcotics or controlled precursor or controlled quantity of a controlled precursor;
- (i) the weighing, counting, measuring, sealing, seizing, and taking of samples of narcotics or controlled precursor or controlled quantity of a controlled precursor;
- (j) generally for prohibiting, controlling, or restricting the importation, exportation, possession, dealing in and use of narcotics or controlled precursor or controlled quantity of a controlled precursor;
- (k) prescribing fees payable for the granting and renewal of licences and other matters, and providing for the waiver or reduction or total or partial refund of fees in particular cases or classes of cases; and
- (l) prescribing all matters which are required or permitted to be prescribed by this Act or with

respect to which regulations are necessary or convenient for giving full effect to this Act.

(3) Regulations made under the powers conferred may prescribe for a breach thereof a fine not exceeding 200 penalty units or imprisonment for a term not exceeding 1 year, or both such fine and imprisonment.

30. Repeal – As from the coming into force of this Act, the Dangerous Drugs Act 1927 (N.Z.) and the Samoa Dangerous Drugs Regulations 1955 (Serial Number 1955/38, N.Z.) are repealed as to their application to Samoa.

SCHEDULES

FIRST SCHEDULE (Section 2)

CLASS A NARCOTICS

A. The following substances are Class A narcotics -

Item number	Class A narcotics
1	ACETORPHINE (03-acetyl-7,8-dihydro-7 α -[1 (R)-hydroxy-1-methyl-butyl]-06-methyl-6,14-endo ethenomorphine)
2	AMPHETAMINE (2-amino-1-phenylpropane)
3	BUFOTENINE (3-(2-dimethylaminoethyl)-5-hydroxyindole)
4	CANTHARIDIN (hexahydro-3a,7a-dimethyl-4,7-epoxyisobenzofuran-1,3-dione)
5	COCAINE (methyl ester of benzoylecgonine), except when contained in a Class C controlled drug
6	DESOMORPHINE (dihydrodeoxymorphine)
7	DET (N, N-diethyltryptamine)
8	DMA (2-amino-1-(2,5-dimethoxyphenyl) propane)
9	DMHP (3-(1,2-dimethylheptyl)-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6 H-dibenzo[b, d] pyran)
10	DMT (N, N-dimethyltryptamine)
11	DOB (2-amino-1-(4-bromo-2, 5-dimethoxyphenyl) propane) (also known as bromo-DMA)

12	ETORPHINE (7,8-dihydro-7 α -[1 (R)-hydroxy-1-methylbutyl]-06-methyl-6,14-endo ethenomorphine)
13	HEROIN (diacetylmorphine)
14	KETOBEMIDONE (4-meta-hydroxyphenyl-1-methyl-4-propionylpiperidine)
15	LYSERGIC ACID (essential precursor for manufacture of LSD)
16	LYSERGIC ACID (essential precursor for manufacture of LSD)
17	LYSERGIDE (N, N-diethyllysergamide or lysergic acid diethylamide)
18	MDA (2-amino-1-(3,4-methylenedioxyphenyl) propane)
19	MESCALINE (3,4,5-trimethoxyphenethylamine)
20	METHAMPHETAMINE (2-methylamino-1-phenylpropane)
21	5-METHOXYDIMETHYLTRYPTAMINE (5-methoxy-N, N-dimethyl-tryptamine)
22	2-METHOXY-4, 5-METHYLENEDIOXYAMPHETAMINE (2-amino-1-(2-methoxy-4, 5-methylenedioxyphenyl) propane) (also known as MDMA or MDMA-2)
23	3-METHOXY-4, 5-METHYLENEDIOXYAMPHETAMINE (2-amino-1-(3-methoxy-4, 5-methylenedioxyphenyl) propane) (also known as MDMA)
24	MPTP (1-methyl-4-phenyl-1,2,5,6-tetrahydropyridine)
25	PARAHEXYL (3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b, d] pyran)
26	PCE (N-ethyl-1-phenylcyclohexylamine)
27	PCPY 1-(1-phenylcyclohexyl) pyrrolidine)
28	PHP 1-(1-phenylcyclohexyl) pyrrolidine)
29	PEPTP (1-(2-phenylethyl)-4-phenyl-1,2,5,6-tetrahydropyridine)
30	PHENCYCLIDINE (1-(1-phenylcyclohexyl) piperidine)
31	PIPERIDYL BENZILATES (N-methylpiperidyl benzilates and N-ethylpiperidyl benzilates but excluding the methobromide salts)
32	PMA (2-amino-1-(4-methoxyphenyl) propane)
33	PSILOCINE (3-(2-dimethylaminoethyl)-4-hydroxyindole)
34	PSILOTSIN (3-(2-dimethylaminoethyl)-4-hydroxyindole)
35	PSILOCYBINE (3-(2-dimethylaminoethyl) indol-4-yl dihydrogen phosphate)

36	STP,DOM (2-amino-1-(2,5-dimethoxy-4-methyl) phenylpropane)
37	TCP (1-[1-(2-thienyl) cyclohexyl] piperidine)
38	THALIDOMIDE (α -phthalimidoglutarimide)
39	TMA (2-amino-1-(3, 4, 5-trimethoxyphenyl) propane)

- B. The isomers of the substances mentioned or described in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.
- C. The esters and ethers of the substances mentioned or described in this Schedule and the esters and ethers of the isomers mentioned or described in clause B of this Schedule whenever the existence of such esters or ethers is possible.
- D. The salts of the substances mentioned or described in this Schedule and the salts of the isomers, esters, and ethers mentioned in clause B or C of this Schedule.
- E. Substances containing any proportion of a substance mentioned or described in clause A, B, C or D of this Schedule.

SECOND SCHEDULE
(Section 2)

CLASS B NARCOTICS

- A. The following substances are Class B narcotics -

Item number	Class B narcotics
1	Cannabis preparations: that is, any preparation containing any tetrahydrocannabinols, including cannabis resin (commonly known as hashish) and cannabis oil (commonly known as hash oil), produced by subjecting cannabis plant material to any kind of processing
2	Methcathinone
3	MDMA (2-methylamino-1-(3,4-methylenedioxyphenyl) propane)
4	Morphine
5	Opium
6	Tetrahydrocannabinols, except when contained in a Class C Narcotic

7	BENZPHETAMINE (2-benzylmethylamino-1-phenylpropane)
8	CATHINONE (2-amino-1-phenylpropan-1-one)
9	DOET (2-amino-1-(2,5-dimethoxy-4-ethylphenyl) propane)
10	FENCAMFAMINE (N-ethyl-3-phenylbicyclo[2.2.1]heptan-2-amine)
11	FENETHYLLINE (3,7-dihydro-1,3-dimethyl-7-[2-[(1-methyl-2-phenylethyl)-amino]ethyl]-1H-purine-2,6-dione)
12	FENPROPOREX (2-(2-cyanoethylamino)-1-phenylpropane)
13	MEFENOREX (2-(3-chloropropylamino)-1-phenylpropane)
14	METHAQUALONE (2-methyl-3-(2-methylphenyl)-4(3H)-quinazolinone)
15	4-METHYLAMINOREX (cis -2-amino-4-methyl-5-phenyl-2-oxazoline)
16	METHYLPHENIDATE (α -phenyl-2-piperidineacetic acid methyl ester)
17	4-METHYLTHIOAMPHETAMINE
18	N-ETHYL MDA (2-ethylamino-1-(3, 4-methylenedioxyphenyl) propane)
19	N-ETHYLAMPHETAMINE (2-ethylamino-1-phenylpropane)
20	N-HYDROXY MDA (2-hydroxyamino-1-(3, 4-methylenedioxyphenyl) propane)
21	NORPSEUDOEPHEDRINE (threo -2-amino-1-hydroxy-1-phenylpropane), including cathine
22	PROPYLHEXEDRINE (1-cyclohexyl-2-methylaminopropane)
23	PYROVALERONE (1-(4-methylphenyl)-2-(1-pyrrolidinyl)-1-pentanone)
24	ACETYLMETHADOL (3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
25	ACETYL- α -METHYLFENTANYL (N-[1-(α -methylphenethyl)-4-piperidyl] acetanilide)
26	ALFENTANIL (N -[1-[2-(4-ethyl-4,5-dihydro-5-oxo-1 H-(tetrazol- 1-yl)ethyl)-4-(methoxymethyl)-4-piperidiny]-N -phenylpropanamide)
27	ALLYLPRODINE (3-allyl-1-methyl-4-phenyl-4-propionoxypiperidine)
28	ALPHACETYLMETHADOL (α -3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
29	ALPHAMEPRODINE (α -3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)

30	ALPHAMETHADOL (α -6-dimethylamino-4,4-diphenyl-3-heptanol)
31	ALPHAPRODINE (α -1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
32	ANILERIDINE (1-para -aminophenethyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
33	BENZETHIDINE (1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
34	BENZYLMORPHINE (3-benzylmorphine)
35	BETACETYLMETHADOL (β -3-acetoxy-6-dimethylamino-4,4-diphenylheptane)
36	BETAMEPRODINE (β -3-ethyl-1-methyl-4-phenyl-4-propionoxypiperidine)
37	BETAMETHADOL (β -6-dimethylamino-4,4-diphenyl-3-heptanol)
38	BETAPRODINE (β -1,3-dimethyl-4-phenyl-4-propionoxypiperidine)
39	BEZITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(2-oxo-3-propionyl-1-benzimidazolyl) piperidine)
40	CANNABIS being any leaf, seed, stalk, root, fruit, blossom, or part thereof of any plant of the genus cannabis (<i>Cannabis sativa</i> L)
41	CAANABIS RESIN
42	CLONITAZENE (2-para -chlorbenzyl-1-diethylaminoethyl-5-nitrobenzimidazole)
43	CODOXIME (dihydrocodeinone-6-carboxymethyloxime)
44	CONCENTRATE OF POPPY STRAW—that is, the material arising when parts of any plant of the species <i>Papaver somniferum</i> have entered a process for the concentration of the alkaloids
45	DEXTROMORAMIDE ((+)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl) butyl] morpholine)
46	DIAMPROMIDE (N -[2-(methylphenethylamino) propyl] propionanilide)
47	DIETHYLTHIAMBUTENE (3-diethylamino-1,1-di-(2'-thienyl)-1-butene)
48	DIFENOXIN (1-(3-cyano-3,3-diphenylpropyl)-4-phenylisonipecotic acid)
49	DIHYDROMORPHINE
50	DIMENOXADOL (2-dimethylaminoethyl 1-ethoxy-1,1-diphenylacetate)
51	DIMEPHEPTANOL (6-dimethylamino-4,4-diphenyl-3-heptanol)

52	DIMETHYLTHIAMBUTENE (3-dimethylamino-1,1-di-(2'-thienyl)-1-butene)
53	DIOXAPHETYL BUTYRATE (ethyl 4-morpholino-2, 2-diphenylbutyrate)
54	DIPHENOXYLATE (1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
55	DIPIPANONE (4,4-diphenyl-6-piperidine-3-heptanone)
56	DROTEBANOL (3,4-dimethoxy-17-methylmorphinan-6 β , 14-diol)
57	EGGONINE, its esters and derivatives which are convertible to ecgonine and cocaine, except when contained in a Class C controlled drug
58	ETHYLMETHYLTHIAMBUTENE (3-ethylmethylamino-1,1-di-(2'-thienyl)-1-butene)
59	ETONITAZENE (1-diethylaminoethyl-2-para -ethoxybenzyl-5-nitrobenzimidazole)
60	ETOXERIDINE (1-[2-(2-hydroxyethoxy)ethyl]-4-phenylpiperidine-4-carboxylic acid ethyl ester)
61	FENTANYL (1-phenethyl-4-(N-propionylanilino)piperidine)
62	p-FLUOROFENTANYL (4'-fluoro-N-1-(phenethyl-4-piperidyl) propionanilide)
63	FURETHIDINE (1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
64	HYDROCODONE (dihydrocodeinone)
65	HYDROMORPHINOL (14-hydroxydihydromorphine)
66	HYDROMORPHONE (dihydromorphinone)
67	β -HYDROXYFENTANYL (N-[1-(β -hydroxyphenethyl)-4-piperidyl] propionanilide)
68	β -HYDROXY-3-METHYLFENTANYL (N-[1-(β -hydroxyphenethyl)-3-methyl-4-piperidyl] propionanilide)
69	HYDROXPETHIDINE (4-meta -hydroxyphenyl-1-methylpiperidine-4-carboxylic acid ethyl ester)
70	ISOMETHADONE (6-dimethylamino-5-methyl-4,4-diphenyl-3-hexanone)
71	LEVOMETHORPHAN ((-)-3-methoxy-N-methylmorphinan) but not including dextromethorphan ((+)-3-methoxy-N-methylmorphinan) and dextrorphan ((+)-3-hydroxy-N-methylmorphinan)
72	LEVOMORAMIDE ((-)-4-[2-methyl-4-oxo-3,3-diphenyl-4-(1-pyrrolidinyl)butyl] morpholine)

73	LEVOPHENACYLMORPHAN (-)-3-hydroxy-N -phenacylmorphinan)
74	LEVORPHANOL (-)-3-hydroxy-N-methylmorphinan)
75	MECLOQUALONE (3-(2-chlorophenyl)-2-methyl-4-(3H)-quinazolinone)
76	METAZOCINE (2'-hydroxy-2,5,9-trimethyl-6,7-benzomorphan)
77	METHADONE (6-dimethylamino-4,4-diphenyl-3-heptanone)
78	METHADONE-INTERMEDIATE (4-cyano-2-dimethylamino-4,4-diphenylbutane)
79	1-METHYL-4-PHENYL-4-PIPERIDINOL
80	METHYLDESORPHINE (6-methyl- Δ 6-deoxymorphine)
81	METHYLDIHYDROMORPHINE (6-methyldihydromorphine)
82	α -METHYLFENTANYL (N-[1-(α -methylphenethyl)-4-piperidyl] propionanilide)
83	α -METHYLTHIOFENTANYL (N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)
84	3-METHYLFENTANYL (N-[3-methyl-1-phenethyl-4-piperidyl] propionanilide)
85	3-METHYLTHIOFENTANYL (N-[3-methyl-1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide)
86	METOPON (5-methyldihydromorphinone)
87	MORAMIDE-INTERMEDIATE (2-methyl-3-morpholino-1,1-diphenyl-propanecarboxylic acid)
88	MORPHERIDINE (1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
89	MORPHINE METHOBROMIDE and other pentavalent nitrogen morphine derivatives
90	MORPHINE-N-OXIDE
91	MPPP (1-methyl-4-phenyl-4-piperidinol propionate (ester))
92	MYROPHINE (myristylbenzylmorphine)
93	NABILONE (trans -3-(1-1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6, 6-dimethyl-9H-dibenzo[b,d] pyran-9-one)
94	NICOMORPHINE (3,6-dinicotinylmorphine)

95	NORACYMETHADOL (α -3-acetoxy-6-methylamino-4,4-diphenyl-heptane)
96	NORLEVORPHANOL (-)-3-hydroxymorphinan)
97	NORMETHADONE (6-dimethylamino-4,4-diphenyl-3-hexanone)
98	NORMORPHINE (demethylmorphine)
99	NORPIPANONE (4,4-diphenyl-6-piperidino-3-hexanone)
100	OXYCODONE (14-hydroxydihydrocodeinone)
101	OXYMORPHONE (14-hydroxydihydromorphinone)
102	PEPAP (1-phenethyl-4-phenyl-4-piperidinol acetate (ester))
103	PETHIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid ethyl ester)
104	PETHIDINE-INTERMEDIATE-A (4-cyano-1-methyl-4-phenylpiperidine)
105	PETHIDINE-INTERMEDIATE-B (4-phenylpiperidine-4-carboxylic acid ethyl ester)
106	PETHIDINE-INTERMEDIATE-C (1-methyl-4-phenylpiperidine-4-carboxylic acid)
107	PHENADOXONE (6-morpholino-4,4diphenyl-3-heptanone)
108	PHENAMPROMIDE (N-(1-methyl-2-piperidinoethyl propionanilide)
109	PHENAZOCINE (2'-hydroxy-5,9-dimethyl-2-phenethyl-6,7-benzomorphan)
110	PHENDIMETRAZINE (3,4-dimethyl-2-phenylmorpholine)
111	1-PHENETHYL-4-PHENYL-4-PIPERIDINOL
112	PHENMETRAZINE (3-methyl-2-phenylmorpholine)
113	PHENOMORPHAN (3-hydroxy-N -phenethylmorphinan)
114	PHENOPERIDINE (1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylic acid ethyl ester)
115	PIMINODINE (4-phenyl-1-(3-phenylaminopropyl)piperidine-4-carboxylic acid ethyl ester)
116	PIRITRAMIDE (1-(3-cyano-3,3-diphenylpropyl)-4-(1-piperidino)piperidine-4-carboxylic acid amide)
117	PROHEPTAZINE (1,3-dimethyl-4-phenyl-4-propionoxyazacycloheptane)
118	PROPERIDINE (1-methyl-4-phenylpiperidine-4-carboxylic acid isopropyl ester)

119	RACEMETHORPHAN ((-)-3-methoxy-N -methylmorphinan)
120	RACEMORAMIDE ((-)-4-[2-methyl-4-oxo-3, 3-diphenyl-4-(1-pyrrolidiny) butyl] morpholine)
121	RACEMORPHAN ((-)-3-hydroxy-N -methylmorphinan)
122	REMIFENTANIL (1-(2-methoxycarbonyl-ethyl)-4-(phenylpropionyl-amino)-piperidine-4-carboxylic acid methyl ester)
123	SUFENTANIL (N-[4-(methoxymethyl)-1-[2-(2-thienyl)ethyl]-4-piperidyl] propionanilide)
124	THEBACON (acetyldihydrocodeinone)
125	THEBAINE
126	THIOFENTANYL (N -[1-[2-(2-thienyl)ethyl]-4-piperidyl]propionanilide)
127	TILIDINE ((-ethyl trans -2-(dimethylamino)-1-phenyl-3-cyclo-hexene-1-carboxylate)
128	TRIMEPERIDINE (1,2,5-trimethyl-4-phenyl-4-propionoxypiperidine)

- B. The isomers of the substances mentioned or described in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.
- C. The esters and ethers of the substances mentioned or described in this Schedule and the esters and ethers of the isomers mentioned or described in clause B of this Schedule whenever the existence of such esters or ethers is possible.
- D. The salts of the substances mentioned or described in this Schedule and the salts of the isomers, esters, and ethers mentioned or described in clause B or clause C of this Schedule.
- E. Substances containing any proportion of a substance mentioned or described in clause A, clause B, clause C or clause D of this Schedule.

THIRD SCHEDULE
(Section 2)

CLASS C NARCOTICS

- A. The following substances are Class C narcotics –

Item number	Class C narcotics
1	CATHA EDULIS PLANT

2	COCA LEAF—That is, the leaf of any plant of any species of the genus <i>Erythroxylon</i> , except a leaf from which all ecgonine, cocaine, and any other ecgonine alkaloids have been removed
3	CODEINE (3-methylmorphine); its isomers, esters, and ethers, if any; its salts, and the salts of its isomers, esters, or ethers, if any; and any substance, preparation or mixture containing any proportion of the said substance or of any such isomer, ester, ether, or salt
4	DIHYDROCODEINE; its isomers, esters, and ethers, if any; its salts, and the salts of its isomers, esters, or ethers, if any; and any substance, preparation, or mixture containing any proportion of the said substance or of any such isomer, ester, ether, or salt
5	PROPOXYPHENE (α -4 (N, N-dimethylamino)-1, 2-diphenyl-3-methyl-2-propionoxybutane); its isomers, esters, and ethers, if any; its salts and the salts of its isomers, esters, or ethers, if any
6	ACETYLDIHYDROCODEINE
7	ETHYLMORPHINE (3-ethylmorphine)
8	NICOCODINE (6-nicotinylcodeine)
9	NICODICODINE (6-nicotinyldihydrocodeine or nicotinic acid ester of dihydrocodeine)
10	NORCODEINE (N -demethylcodeine)
11	PHOLCODINE (morpholinylethylmorphine)
12	PROPIRAM (N -(1-methyl-2-piperidinoethyl)-N -2-pyridylpropionamide)
13	ALPRAZOLAM
14	AMFEPRAMONE (2-(diethylamino) propiophenone)
15	AMINOREX
16	BARBITAL (5,5-diethylbarbituric acid)
17	BROMAZEPAM
18	BROTIZOLAM
19	CAMAZEPAM
20	CHLORDIAZEPOXIDE
21	CLOBAZAM
22	CLONAZEPAM
23	CLORAZEPATE
24	CLOTIAZEPAM
25	CLOXAZOLAM
26	DELORAZEPAM
27	DIAZEPAM

28	EPHEDRINE
29	ESTAZOLAM
30	ETHCHLORVYNOL (ethyl-2-chlorovinylethynyl-carbinol)
31	ETHINAMATE (1-ethynylcyclohexanol carbamate)
32	ETHYL LOFLAZEPATE
33	FLUDIAZEPAM
34	FLUNITRAZEPAM
35	FLURAZEPAM
36	HALAZEPAM
37	HALOXAZOLAM
38	KETAZOLAM
39	LOPRAZOLAM
40	LORAZEPAM
41	LORMETAZEPAM
42	MAZINDOL (5-(4-chlorophenyl)-2, 5-dihydro-3H-imidazo [2, 1-a]-isoindol-5-ol)
43	MEDAZEPAM
44	MEPROBAMATE (2-methyl-2-propyl-1,3-propanediol dicarbamate)
45	METHYLPHENOBARBITAL (5-ethyl-1-methyl-5-phenylbarbituric acid)
46	METHYLPRYLON (3,3-diethyl-5-methylpiperidine-2,4-dione)
47	MIDAZOLAM
48	NIMETAZEPAM
49	NITRAZEPAM
50	NORDAZEPAM
51	OXAZEPAM
52	OXAZOLAM
53	PEMOLINE
54	PHENOBARBITAL (5-ethyl-5-phenylbarbituric acid)
55	PHENTERMINE (2-amino-2-methyl-1-phenylpropane)
56	PINAZEPAM
57	PIPRADROL (1,1-diphenyl-1-(2-piperidyl)methanol)
58	PRAZEPAM
59	PSEUDOEPHEDRINE
60	SPA ((-)-1-dimethylamino-1,2-diphenylethane)
61	TEMAZEPAM
62	TRIAZOLAM
63	ALLOBARBITAL (5,5-diallylbarbituric acid)
64	AMOBARBITAL (5-ethyl-5-(3-methylbutyl) barbituric acid)
65	BUPRENORPHINE (17-cyclopropylmethyl-7,8-dihydro-7-(1-hydroxy-1,2, 2-trimethylpropyl) -6-0-methyl-6, 14-ethano-17-normorphine)

66	BUTALBITAL (5-allyl-5-isobutylbarbituric acid)
67	BUTOBARBITONE (5-butyl-5-ethylbarbituric acid)
68	CYCLOBARBITAL (5-(1-cyclohexen-1-yl)-5-ethylbarbituric acid)
69	GLUTETHIMIDE (2-ethyl-2-phenylglutarimide)
70	NEALBARBITONE (5-allyl-5-neopentylbarbituric acid)
71	PENTOBARBITAL (5-ethyl-5-(1-methylbutyl) barbituric acid)
72	SECBUTABARBITAL (5-sec-butyl-5-ethylbarbituric acid)
73	SECOBARBITAL (5-allyl-5-(1-methylbutyl) barbituric acid)
74	VINYLBITAL (5-(1-methylbutyl)-5-vinylbarbituric acid)
75	Preparations containing any proportion of the following substances or of any salt of any such substance, namely, acetyldihydrocodeine, codeine, dihydrocodeine, ethylmorphine, and pholcodine when:
	(i) Compounded with one or more other pharmacologically active ingredients in such a way that the substance cannot be recovered by readily applicable means or in a yield which would constitute a risk to health; and (ii) Containing not more than 100 milligrams of the substance in each dosage unit and with a concentration of not more than 2.5 percent in undivided preparations.
76	Preparations of cocaine containing not more than 0.1 percent of cocaine base, being preparations compounded with one or more other pharmacologically active ingredients.
77	Preparations of difenoxin containing, per dosage unit, not more than 0.5mg of difenoxin and a quantity of atropine sulphate equivalent to at least 5 percent of the dose of difenoxin.
78	Preparations of opium or morphine containing not more than 0.2 percent of morphine, being preparations compounded with one or more other pharmacologically active ingredients (none of which are substances named or described in the First or Second Schedule to this Act.

79	Single dosage units of diphenoxylate containing in each unit not more than 2.5 milligrams of diphenoxylate calculated as base and not less than 25 micrograms of atropine sulphate.
80	Liquid preparations of diphenoxylate containing, in each millilitre, not more than 0.5 milligrams of diphenoxylate calculated as base and not less than 5 micrograms of atropine sulphate.
81	Preparations of propiram containing not more than 100 mg of propiram per dosage unit and compounded with at least the same amount of methylcellulose.
82	Ipecacuanha and opium powder containing 10 percent of opium in powder and 10 percent of ipecacuanha root in powder intimately mixed with finely powdered lactose
83	Mixtures containing not more than one of the preparations specified in paragraphs (a) to (g) of this Schedule, being mixtures whereof none of the other ingredients is a substance named or described in the First or the Second Schedule to this Act.

- B. The isomers of the substances mentioned or described in this Schedule whenever the existence of such isomers is possible within the specific chemical designation.
- C. The esters and ethers of the substances mentioned or described in this Schedule and the esters and the ethers of the isomers mentioned or described in clause B of this Schedule whenever the existence of such esters or ethers is possible.
- D. The salts of the substances mentioned or described in this Schedule and the salts of the isomers, esters, and ethers mentioned or described in clause B or clause C of this Schedule.
- E. Substances containing any proportion of a substance mentioned or described in clause A, clause B, clause C or clause D of this Schedule.
- F. Preparations of pseudoephedrine, its salts, isomers, esters, and ethers (if any), and the salts of its isomers, esters, and ethers (if any), being preparations:
- (a) in solid or liquid form; and
 - (b) containing not more than 60 mg of pseudoephedrine per dosage unit; and
 - (c) containing either a single ingredient or being in

combination with other pharmacologically active ingredients, being ingredients that are not mentioned or described in the First or the Second Schedule of this Act.

FOURTH SCHEDULE
(Section 2)

CONTROLLED PRECURSORS

A. The following are controlled precursors -

Item number	Controlled precursors
1	acetic anhydride
2	acetone
3	n-acetylanthranilic acid
4	anthranilic acid
5	ephedrine
6	ergometrine
7	ergotamine
8	ethyl ether
9	hydrochloric acid
10	isosafrole
11	lysergic acid
12	3, 4,-methylenedioxyphenyl-2 propanone
13	methyl ethyl ketone
14	phenylacetic acid
15	1-phenyl-2-propanone
16	piperidine
17	piperonal
18	potassium permanganate
19	pseudoephedrine
20	safrole
21	sulphuric acid
22	toluene

B. Any preparation, admixture, extract or other substance containing any proportion of a precursor specified in the Third Schedule controlled precursors and including all salts, isomers, esters, ethers, ketals, acetals, acetates, hydroxides, oximes, amides, imines, acid chlorides, nitriles, anhydrides, halogen substituent, epoxides, diols

and any other analogues or derivatives of a precursor specified in the Third Schedule controlled precursors.”

REVISION NOTES 2008 – 2019

This is the official version of this Act as at 31 December 2019.

This Act has been revised by the Legislative Drafting Division from 2008 – 2019 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes. (e.g. Reference to “Minister responsible for Health”)
- (c) Present tense drafting style applied where appropriate and generally applying principles of plain language
- (d) Insertion of the commencement date
- (e) Other minor editing has been done in accordance with the lawful powers of the Attorney General where appropriate:
 - (i) “Every” and “any” changed to “a/an”
 - (ii) Present tense drafting style:
 - “shall be” changed to “is/are” or “is/are to be”
 - “shall be deemed” changed to “is/are taken/regarded as”
 - “hereby”, “for the time being” and “from time to time” removed
 - (iii) Offence provisions
 - “shall be guilty” changed to “commits”
 - “both such a fine and imprisonment” changed to “both”
 - (iv) Removal/replacement of obsolete and archaic terms with plain language:
 - “pursuant to” and “in accordance with” changed to “under”
 -
 - (v) Numbers in words changed to figures
 - (vi) Removal of superfluous terms
 - “against this Act”
 - “of/to this Act”
 - “any of the provisions of”
 - “of this section”
 - “the generality of”
 - (vii) Adopting practice of placing “and” or “or” at the end of each paragraph where appropriate.
 - (viii) Reference to subsections changed to complete reference e.g. “subsection 5 of section 2” changed to “section 2(5)”

- (ix) Terms with the same definitions merged (e.g. “cultivate” or “cultivation” and “deal” or “dealing in”)
- (x) “CEO” changed to “Chief Executive Officer”
- (xi) Altering the form of subsections by joining 2 sentences into 1 sentence with a subsection (e.g. section 14A(4)).
- (xii) Correct typographical and similar errors.
- (xiii) Section 25A in its entirety has been deleted by section 87 of the Proceeds of Crime Act 2007. Note that only subsection (1) to this section was deleted in the last Consolidations, and the rest have only just been deleted in this Consolidation
- (xiv) Noted reason for repeal of section 28B.
- (xv) Arrangement of provisions made consistent with the text
- (xvi) “the foregoing provisions of this section”, “the preceding subsection” and similar wording changed to the actual section/subsections

The following amendments have been made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*:

By the *Narcotics Amendment Act 2009*:

- Section 2**
 - New terms and definitions were inserted for “Class A narcotics”, “Class B narcotics”, “Class C narcotics”, “Dentist”, “Medical practitioner”, “Nurse”, Pharmacist” in alphabetical order.
 - New definitions were substituted for “controlled precursor”, “Narcotic” and “Prohibited plant”.
- Section 4A**
 - A new section 4A was inserted after section 4.
- Section 5**
 - In subsection (1), the words “preparation or substance from the list of narcotics set out in the First Schedule or the Second Schedule to this Act,” were deleted and substituted “preparation or substance from the list of narcotics specified or described in the First, Second or Third Schedule to this Act,”.
 - A new subsection (3) was substituted.
- Section 6-**
 - In subsection (1)(b), reference to “7 years” was deleted and substituted “14 years”.
 - In subsection (2), references to “2 penalty units” and “3 months” were deleted and substituted “20 penalty units” and “2 years” respectively.
- Section 7**
 - A new section 7 was substituted.
- Section 9**
 - The words “or controlled precursors” were inserted after every mention of the word “narcotics”.

- Section 10** - A new section heading “**10. Restrictions on the import and export of narcotics and controlled precursors**” was substituted.
In subsection (2), the words “any other narcotic named or described in the First Schedule to this Act” were deleted and substituted “any narcotic specified or described in the First, Second or Third Schedules to this Act”.
- A new subsection (3) was substituted.
 - In subsection (3A), the words “or export from” were inserted after “import into”.
 - New subsections (3B), (3C), (3D) and (3E) were inserted after subsection (3).
- Section 11** - A new section 11 was substituted.
- Section 13** - A new section 13 was substituted.
- Sections 14(1), 14A(1) and (2), 15(1) and 16(1)** - In these sections, the words “or controlled precursor” were inserted after every mention of the word “narcotic” or “narcotics.”
- Section 17-** A new section 17 was substituted.
- Section 17A-** A new section 17A was inserted after section 17.
- Section 18-** Reference to“(1)” indicating a subsection was deleted.
- A new paragraph (c) was inserted after paragraph (b).
 - Former paragraphs (c) and (d) were deleted and substituted new paragraphs (d), (e) and (f).
- Section 18A-** A new subsection (1) was substituted.
- In subsection (3), the words “a person manufactures a narcotic if the person:” following the word “section” were deleted and substituted “a person manufactures a narcotic if the person, whether directly or indirectly,;”.
- Section 18B** - A new section heading “**18B. Unlawful sale, manufacture, supply or possession of a controlled precursor**” was substituted.
- In subsection (1)(a),(b) and (c), the words “a controlled quantity of” were deleted.
 - The word “or” was inserted at the end of subsection (1)(d).
 - New paragraphs (e), (f), (g) and (e) were inserted after subsection (1)(d).
 - A new subsection (3) was inserted.

- Section 24** - In subsection (1), references to “2 penalty units” and “3 months” were deleted and substituted “10 penalty units” and “2 years” respectively.
- In subsection (2):
- the words “or controlled precursor” were deleted after every mention of the word “narcotic”.
 - References to “4 penalty units” and “one year” were deleted and substituted “200 penalty units” and “7 years” respectively.
- Section 25A(2)-** The words “or a controlled precursor” were inserted after the word “narcotic” in the definition for “tainted property”.
- Section 25B-** A new section 25B was substituted.
- Sections 26 and 29-** The words “or controlled precursor or quantity of a controlled precursor” have been inserted after every mention of the word “narcotic” or “narcotics”.
- In section 29(3), references to “2 penalty units” and “3 months” have been deleted and substituted “200 penalty units” and “1 year” respectively.
- Schedules-** The First and Second Schedules have been deleted and substituted new First, Second, Third and Fourth Schedules.

By the Food Act 2015:

- Section 7** In subsection (2)(f), for “Food and Drugs Act 1967” substitute “Drugs Act 1967”;
- Section 10** In subsection (3c)(a)(iv) for “Food and Drugs Act 1967” substitute “Drugs Act 1967”.



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Attorney General of Samoa

*This Act is administered by
the Ministry of Health.*
