

THE CONGRESS OF THE REPUBLIC OF VENEZUELA

HEREBY DECREES

the following

ORGANIC LAW ON NARCOTIC AND PSYCHOTROPIC SUBSTANCES

TITLE I GENERAL PROVISIONS

ARTICLE 1

This Law contains the provisions which shall be applied in the area of trading in, retailing, industrial application, manufacture, refining, processing, extraction, preparation, production, import, export, prescription, possession, supply, storage, transport, brokering and any form of distribution; as well as the control, monitoring and use of the narcotic drugs and psychotropic substances referred to in this Law, their derivatives, salts, preparations and pharmaceutical specialities, such as *Cannabis sativa*, cocaine and its derivatives, inhalable products and other substances contained in the schedules listed in the international conventions signed by the Republic, as well as the control of raw materials, inputs, essential chemicals, solvents, precursors and products of any other type, which may be diverted for use in the production of narcotic drugs and psychotropic substances. The provisions also refer to the consumption of the substances and any of the offences referred to in this Law, penalties relating thereto and social safety measures, and social prevention and procedures, without detracting from compliance with measures on the same subject, in the laws approving the "1961 Single Convention on Narcotic Drugs" of 16 December 1968, the "Convention on Psychotropic Substances" of 20 January 1972, the Protocol Amending the 1961 Single Convention, of 20 June 1985, and the "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances", of 19 December 1988, ratified by Venezuela, published in the Official Gazette of 21 June 1991, as well as the Organic Customs Law and relevant special laws.

ARTICLE 2

For the purposes of this Law, the following shall be considered to be narcotic and psychotropic substances:

1. The drugs, preparations, pharmaceutical specialities and salts included in the schedules appended to the laws approving the "1961 Single Convention on Narcotic Drugs" and the "Convention on Psychotropic Substances"; similarly, for the purposes of this Law, all those substances

indicated in table I and table II of the "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances" shall be considered to be raw materials, inputs, chemical products, solvents and precursors;

2. Any other substances which, by decision of the Ministry of Health and Social Welfare, may be considered as such, shall be identified by the common name adopted by the World Health Organization, in that their consumption may engender a state of dependence, stimulation or depression of the central nervous system, or bring about hallucinations or disturbed motor functions, judgement, behaviour, perception or state of mind, or whose illicit consumption may produce effects similar to those produced by consumption of one of the substances in the schedule referred to in paragraph 1 of this article.

The Ministry of Health and Social Welfare may resolve to place under control substances used in the production of medicines that may be diverted to the illicit manufacture of narcotic and psychotropic substances, which are not included in tables I and II of the "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances", identifying them by the common name adopted by the World Health Organization.

The Ministry of Development may resolve to place under control the raw materials, inputs, chemical products, solvents, precursors and any other substance, not destined for the preparation of medicines that may be diverted for use in the illicit production of narcotic and psychotropic substances, not included in tables I and II of the "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances".

The definitions set out in the laws approving the "1961 Single Convention on Narcotic Drugs", dated 16 December 1968, the "Convention on Psychotropic Substances", dated 20 January 1972, and the "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances", dated 21 June 1991, shall be adopted in all respects.

SINGLE PARAGRAPH:

For the purposes of this Law, a raw material shall be one which the illicit industry of trafficking in narcotic and psychotropic substances needs to use, at the manufacture, preparation or processing stages, to produce narcotic and psychotropic substances, even if it stems from other industrial operations by illicit industries.

ARTICLE 3

The trading, retailing, industrial use, manufacture, refining, processing, extraction, preparation, production, import, export, prescription, possession, supply, storage, distribution, stocking and use of the narcotic and psychotropic substances referred to in this Law, and their derivatives, salts, preparations and pharmaceutical specialities, shall be strictly limited to the quantities needed for medical treatment, the licit production of medicines or scientific research, and only legally-authorized persons may take part in any activity relating thereto. Any other end use to which such substances may be put shall be considered illicit.

SINGLE PARAGRAPH:

It shall be considered illegal to divert raw materials, inputs, precursors, chemical products and solvents for use in the unauthorized manufacture of narcotic and psychotropic substances, such as acetone, anthralytic acid, phenylacetic acid, acetic anhydride, ethyl ether, piperidine and its salts, lysergic acid, ephedrine, ergometrine, ergotamine, 1-phenyl-2-propanone, pseudo-ephedrine and its salts, as well as the substances that may be controlled pursuant to article 2 of this Law.

TITLE II ADMINISTRATIVE ORDER

Chapter I The import and export of the substances referred to in this Law

ARTICLE 4

The import and export of the substances referred to in this Law shall be subject to the legal conditions established in the Organic Customs Law and its Regulation, in the scale of customs tariffs and the provisions of this Law.

The substances mentioned above may not be the subject of any customs operation involving transit through Venezuelan territory and shall be seized.

SINGLE PARAGRAPH:

The Ministry of Finance and the Ministry of Health and Social Welfare shall set up the air and maritime customs services empowered to carry out customs operations by joint resolution.

ARTICLE 5

Customs operations relating to the import or export of the narcotic and psychotropic substances referred to in this Law shall be conducted by pharmaceutical laboratories, drug manufacturers, representational offices and pharmacies that have been legally established, as well as by non-

pharmaceutical industries that have been legally established, which carry out import or export operations for any substance not used in the manufacture of medicines that is included in tables I and II of the "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances", provided that they have obtained prior registration, if applicable, and the relevant licence by fulfilling the relevant provisions.

The registration and the licence mentioned above shall be requested by the senior pharmacist or the legal representative of the non-pharmaceutical industry and the relevant registration and licence shall be issued in their names.

For the purposes of the granting or cancellation of the registration and licence, the Ministry of Health and Social Welfare and the Ministry of Development shall order any inspection and control procedures that they deem fit.

ARTICLE 6

The senior pharmacist or legal representative of the non-pharmaceutical industry seeking to obtain the registration mentioned in the previous article shall, in each case, submit an application to the Ministry of Health and Social Welfare or to the Ministry of Development, setting out the following:

1. The identity of the senior pharmacist or legal representative of the enterprise.
2. The identification of the establishment.
3. The register used to record the legal personality of the establishment.
4. The quantity of the substances to be imported or exported during the year.
5. The name and address of the importer or exporter and, if applicable, the consignee of the non-pharmaceutical industry.
6. The name of the substance to be imported or exported, using the common name adopted by the World Health Organization.
7. A declaration, signed by the legal representative of the establishment, certifying that the applicant is the senior pharmacist and, in the case of an authorized industrialist, the articles of association setting out the legal capacity in which he acts.
8. The customs office empowered to deal with the relevant import or export.
9. Any other information that the ministries may require.

Responsibility for failure to comply with these requirements shall be borne by the establishment involved and, without prejudice to the aforesaid principal responsibility, it shall be borne individually by the legal representative, the senior pharmacist and the managing industrialist.

The Drugs and Cosmetics Division of the Ministry of Health and Social Welfare and the Ministry of Development shall be empowered to grant or refuse registration and to cancel it, after it has been issued, by a decision setting out the grounds therefor.

SINGLE PARAGRAPH:

For the purposes of granting the registration referred to in this article, the applicant shall pay the National Treasury, using the appropriate form, the amount fixed by the Ministry of Health and Social Welfare and the Ministry of Development, by a joint decision, up to the limit laid down in the regulations relating to this Law.

ARTICLE 7

The registration referred to in article 5 of this Law shall be valid until 31 December each year. The registration shall be requested during the first fifteen (15) days of the month of December.

ARTICLE 8

A senior pharmacist who wishes to import or export the narcotic and psychotropic substances referred to in this Law, or an industrialist who conducts import or export operations relating to any substance not usable in the pharmaceutical industry, included in tables I and II of the "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances", once the requirements set out in the preceding articles have been fulfilled, shall obtain an export or import licence relating thereto from the Ministry of Health and Social Welfare or the Ministry of Development, in each individual case, prior to the arrival of the goods in the country or their departure from the country. Any contravention of this provision shall give rise to the penalties set out in article 114 of the Organic Customs Law. The ministries shall take the appropriate steps, in accordance with the relevant laws and regulations.

ARTICLE 9

When issuing an import or export licence for the substances referred to in this Law, the Ministry of Health and Social Welfare and the Ministry of Development shall be guided by the relevant provisions, in accordance with the procedure established in article 31 of the law approving the "1961 Single Convention on Narcotic Drugs", dated 16 December 1968, article 12 of the law approving the "Convention on Psychotropic Substances", dated 20 January 1972, article 23 of said law, and article 16 of the "United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances", dated 21 June 1991.

SINGLE PARAGRAPH:

The Ministry of Health and Social Welfare or the Ministry of Development, as applicable, shall be empowered to refuse an import licence and limit the application for substances referred to in this Law, if it thinks fit; it may also refuse requests to change the customs office. Both the application and the administrative order granting or refusing permission shall indicate the grounds therefor.

ARTICLE 10

The licences referred to in this Title shall expire as set out below, starting from the date of issue:

1. An import licence, after one hundred and eighty (180) days.
2. An export or re-export licence, after ninety (90) days.

ARTICLE 11

The imported substance shall be declared within five (5) working days of the date of arrival at the customs office empowered and the importer is obliged to withdraw them within thirty (30) consecutive days following the declaration. Without prejudice to compliance with the legal formalities, in order for customs authorities to release the narcotic or psychotropic substances to the importer or to a legally authorized representative, the latter shall submit a duplicate of the import licence. The importer or his representative shall acknowledge, on the licence, the receipt of the narcotic and psychotropic substances released to him and may make any comments that he deems to be appropriate. The narcotic and psychotropic substances imported shall be released in the presence of the importer or his representative and an official of the Ministry of Health and Social Welfare or, in the absence of the latter, on presentation of the original of the appropriate certificate, drawn up by the Ministry official. The goods shall be withdrawn in the presence of the persons mentioned above or in the established manner. Any infringement of this provision shall be punishable by a fine of between two hundred (200) and three hundred (300) days' urban minimum wage. If the period indicated for withdrawal has expired or if the substances referred to in this article have been voluntarily abandoned, pursuant to the Organic Customs Law, the customs administrator empowered to conduct the customs operation shall notify the head of the Drugs and Cosmetics Division of the Ministry of Health and Social Welfare accordingly and, within five (5) working days, send him the substances involved.

SINGLE PARAGRAPH

For the purposes of compliance with the above provision, the customs administrator shall issue a certificate, in triplicate, indicating the following:

1. Class and weight of the substance, as indicated in the export licence or corresponding guide, or an indication of dispatch from the country of origin.

2. Type of packaging, state and brand thereof.
3. Grounds for the certificate indicated by the relevant official.

The head of the Drugs and Cosmetics Division of the Ministry of Health and Social Welfare shall issue a certificate acknowledging receipt, stating that the substances shipped comply with the specifications on the shipment certificate.

The transfer from the customs office to the office of the Drugs and Cosmetics Division of the Ministry of Health and Social Welfare shall be monitored by officials of the national Customs Service or, failing that, by officials appointed by the customs office. The export of the substances referred to in this Law shall comply with the procedure established in the Organic Customs Law and shall be subject to prior licensing by the Ministry of Health and Social Welfare. The import or export of raw materials, inputs, chemical products, solvents and precursors shall be governed by the procedure established in the Organic Customs Law and be subject to prior licensing by the competent body.

ARTICLE 12

If the corresponding import or export licence has been cancelled or has not been processed by the date of entry or departure of the substances referred to in this Law, the provisions of article 114 of the Organic Customs Law shall apply and the substances shall be sent to the competent authority, in compliance with article 11 of this Law.

ARTICLE 13

On the basis of the import or export certificate for the substances referred to in this Law, the customs office shall verify compliance with the obligations set out herein, as well as in the Organic Customs Law and the relevant regulations. Failure to fulfil all licensing requirements shall result in seizure of the substances and implementation of the provisions of article 11 of this Law.

ARTICLE 14

The customs operations relating to the substances referred to in this Law shall be conducted on a single consignment and separately, away from all other goods.

ARTICLE 15

Anyone who imports or exports narcotic drugs and psychotropic substances, whether in pure form or contained in pharmaceutical specialities, referred to in this Law, in postal packages, postal parcels or correspondence sent to a bank, or sent to a customs warehouse, a specially-authorized warehouse, a

general storage warehouse, a free zone or a free port, shall be sanctioned by the seizure of the goods and the provisions of article 11 of the Organic Customs Law and article 11 of this Law shall be applied.

Chapter II Production, manufacture, refining, processing, extraction and preparation of the substances referred to in this Law

ARTICLE 16

The production, manufacture, refining, processing, extraction and preparation, or any other treatment of the substances, or preparations thereof, referred to in this Law, shall be subject to the authorization and control procedures set out in this Law.

ARTICLE 17

Duly authorized laboratories wishing to produce, manufacture, extract, prepare, process or refine narcotic or psychotropic substances intended for use in making pharmaceutical products shall apply, in writing, to the Ministry of Health and Social Welfare for the appropriate authorization to fabricate each batch of their products which, once made, shall be controlled by the relevant health authority. The licence to fabricate each batch shall be valid for a period of one (1) year, from the date of issue. Any infringement of this article shall be punishable by a fine of between two hundred (200) and three hundred (300) days' urban minimum wage.

ARTICLE 18

Anyone involved in the cultivation of plants with dependence-producing or hallucinogenic active ingredients, unless it is done for the purpose of scientific research by persons duly authorized and controlled by the Ministry of Health and Social Welfare, shall be sanctioned as provided for in Title III, Chapter I, article 35 of this Law. Duly authorized persons who contravene the limits and conditions of the licence shall be sanctioned by a fine of between two hundred (200) and three hundred (300) days' urban minimum wage. If there is refusal to pay the fine, the amount deriving from the said fine shall be convertible, according to article 228 of this Law and, to that end, the file shall be sent to the competent judicial authority. A researcher who fails to fulfil the terms of the authorization or does not have an authorization shall be sanctioned by the competent court, pursuant to this Law, after it has legally examined the matter. In any event, the plants, their parts and their derivatives shall be seized immediately.

ARTICLE 19

Pharmaceutical laboratories, pharmacies and representational firms shall not distribute samples of medicines that contain the narcotic and psychotropic substances referred to in this Law. Contravention of this provision shall be sanctioned by seizure of the medical samples and a fine of between one hundred (100) and two hundred (200) days' urban minimum wage. In the event of a repeated contravention, the Ministry of Health and Social Welfare is empowered to double the fine fixed on the first occasion.

Chapter III Retailing, trading in and distribution of the narcotic and psychotropic substances referred to in this Law

ARTICLE 20

The retailing, trading in and distribution of the narcotic and psychotropic substances, and their derivatives, salts, preparations and pharmaceutical specialities referred to in this Law shall be subject to prior authorization, granted only to pharmacies, pharmaceutical laboratories and representational firms for pharmaceutical products that comply with the relevant standards in the view of the Ministry of Health and Social Welfare. The authorization may be cancelled by the Ministry in a ruling indicating the grounds for the decision.

ARTICLE 21

The narcotic and psychotropic substances referred to in this Law may only be transferred, for whatever purpose, subject to the relevant conditions established for the purpose by the Ministry of Health and Social Welfare, without prejudice to the fulfilment of any other applicable legal provisions.

ARTICLE 22

Medicines containing narcotic or psychotropic substances shall be sold to the public only by pharmacies, on the basis of prescriptions written out as indicated in article 23.

The counterfoil pad may be used only by the physician to whom it is issued and not by any other physician.

Pharmaceutical products whose composition contains substances in List IV of the law approving the "Convention on Psychotropic Substances", as well as any other product that the Ministry of Health and Social Welfare may decide to include in this group, may be dispensed on presentation of a personal prescription issued by a physician or the hospital establishment in which he works.

ARTICLE 23

Any prescription for the narcotic or psychotropic substances referred to in this Law, if it is to be filled, shall be written on a special numbered form, of a specific colour, contained in two (2) counterfoil pads issued by the Ministry of Health and Social Welfare and shall indicate the following details in legible handwriting:

1. First and family names, address, identify card number and health department registration number of the physician;
2. Name of the medicine;
3. Amount of each medicine, in figures and words, without any changes;
4. First and family names, address and identity card number of the patient and identification of the purchaser; and
5. Signature of the physician and date of issue.

SINGLE PARAGRAPH

The value of the special counterfoil prescription pads shall be decided by the Ministry of Health and Social Welfare. The amount paid shall be received by the Ministry, which shall credit it to the Drugs and Cosmetics Division, for the sole purpose of manufacturing more counterfoil pads.

When submitting a new request, the physician shall attach a used pad to his application. If a counterfoil pad is stolen, lost or mislaid, the occurrence shall be reported to the Criminal Investigation Police, which is then obliged to acknowledge receipt and investigate the matter. The Ministry of Health and Social Welfare is permitted to refuse to issue a new counterfoil pad if there is evidence that a pad may have been misused by the requesting physician.

ARTICLE 24

Doctors' prescriptions for medicines containing narcotic and psychotropic substances shall be valid for a period of five (5) consecutive days, from the date of issue. After this period, a prescription may no longer be filled by authorized establishments. Contravention of the provisions of this article shall be sanctioned by a fine between one hundred (100) and two hundred (200) days' urban minimum wage.

ARTICLE 25

In no circumstances may any medicine containing the narcotic and psychotropic substances referred to in this Law be sold to minors. Failure to comply with this provision shall be sanctioned by a fine of between one hundred (100) and two hundred (200) days' urban minimum wage. A repeated offence shall be sanctioned in accordance with article 226 of this Law and by closure of the establishment that filled the prescription, according to the procedure set out in Title VI, Chapter II of this Law.

ARTICLE 26

Physicians may not prescribe medicines containing narcotic or psychotropic substances or preparations in doses greater than those strictly required, in accordance with the official dosage rates. Nevertheless, a physician who is of the opinion that extended treatment or treatment at a dosage rate higher than officially indicated is necessary shall inform the Ministry of Health and Social Welfare accordingly in writing. The Ministry may grant a special limited and renewable licence to enable a specific pharmaceutical establishment to dispense the medicines, under the conditions and in the amounts indicated in each individual case.

In an emergency, a physician may indicate a dosage of narcotic medicines that he considers necessary to deal with the emergency situation, in which event he is obliged to record all treatment using narcotic medicines in the appropriate clinical register or, if no such register exists, to report such treatment to the competent health authority, within seven (7) working days of the treatment referred to herein. The Ministry of Health and Social Welfare may cancel this licence whenever it sees fit. The official dosage rates shall be established by ruling of the Ministry.

A physician who infringes the official dosage rate requirement when making out a prescription, or a physician who issues more than one prescription to the same person on the same date, in respect of the narcotic or psychotropic substances referred to in this Law, even if they contain the dosage indicated in the official dosage rates, shall be liable to a fine of between two hundred (200) and three hundred (300) days' urban minimum wage. A repeated offence shall be punishable by suspension of the physician's licence for a period of between six (6) and twelve (12) months. A pharmacist who supplies any of these substances, or preparations containing them, in an amount greater than that indicated in the official dosage rates, shall also be sanctioned in accordance with this article. A pharmacist who carries on his professional activities after being suspended shall be sanctioned as set forth in Title III, Chapter I, article 41 of this Law.

ARTICLE 27

Dental surgeons may only prescribe the medicines containing narcotic and psychotropic substances that have been authorized by the Ministry of Health and Social Welfare for use in dentistry. Veterinarians may prescribe the medicines containing the substances referred to in this Law, for use only in veterinary medicine and, to this end, the prescriptions shall indicate, in addition to the information laid down in article 23, the name and domicile of the owner of the animal and identification thereof, together with the date and dosage, based on the official dosage rates, for the species of animal involved.

Chapter IV Monitoring and control of the substances referred to in this Law

ARTICLE 28

The National Executive, through the Ministries of Finance, Defence, Development, Health and Social Welfare and Justice, shall determine the methods to be used to monitor, supervise and control the substances referred to in this Law, or any solution, mixture or physical state in which they are to be found. This control shall also be extended to all substances that, by simple chemical methods, may be the source of any of the psychotropic or narcotic substances included in this Law, as well as the salts, preparations and pharmaceutical specialities, and the raw materials, inputs, chemical products, solvents and other chemical precursors, which could be diverted for use in the production of narcotic and psychotropic substances. The aforesaid ministries shall inform the National Commission on Drug Abuse of the monitoring, supervisory and control methods referred to in this article, within a period of not less than five (5) working days, for their approval and implementation, in accordance with article 209 of this Law.

ARTICLE 29

The Ministry of Health and Social Welfare shall administer the system to be used to control and monitor psychotropic and narcotic substances in hospital establishments in the private and public sectors.

ARTICLE 30

Custody of and accounting for the narcotic and psychotropic substances referred to in this Law shall be the responsibility of the senior pharmacist of the establishment concerned. Any contravention of this responsibility shall be sanctioned by a fine of between one hundred (100) and two hundred (200) days' urban minimum wage. The establishment may be closed in the event of a repeated offence.

Custody of and accounting for the raw materials, inputs, chemical products, solvents and other chemical precursors referred to in this Law shall be the responsibility of the industrialist, who shall keep a register, in accordance with the rules that may be established, by joint decision, by the ministries of Finance and Development. Contravention of this responsibility shall be punished by a fine of between one hundred (100) and two hundred (200) days' urban minimum wage.

ARTICLE 31

The senior pharmacist of the establishments mentioned in this Law shall keep a special ledger, sealed and numbered by the competent authority of the Ministry of Health and Social Welfare, in which details

of stocks of the narcotic and psychotropic substances referred to in this Law shall be recorded. The initial entry in the ledger shall be made by the competent authority.

A ledger shall also be used to keep a monthly record of all movements of stocks of narcotic and psychotropic substances. The senior pharmacist shall make an inventory of the stock recorded in the ledger and send a copy to the Ministry of Health and Social Welfare, within the first ten (10) days of the following month, attaching a copy of authorizations and licences, as well as duplicates of special prescriptions, forms, customs charge payment schedules and other supporting documents relating to sales or purchases. The originals of the reports, and any other items accompanying them, shall be filed for a minimum period of two (2) years at the establishment concerned, together with the current prescriptions referred to in article 22. Failure to comply with this provision is punishable by a failure of between one hundred (100) and two hundred (200) days' urban minimum wage. A repeated offence shall be penalized by temporary or permanent closure of the establishment, in compliance with the procedure set out in Title VI, Chapter II of this Law.

SINGLE PARAGRAPH:

If a pharmaceutical establishment is closed as a consequence of a civil or commercial precautionary legal measure, the Ministry of health and Social Welfare shall retain possession of the substances referred to in this Law and may dispose of them, after six (6) months, if the senior pharmacist of the establishment has failed to comply with the provisions of this article.

ARTICLE 32

On taking charge of a pharmaceutical establishment, the pharmacist shall straight away make an inventory of the narcotic and psychotropic substances in stock at the time and note any irregularities in the accounting ledger referred to in the preceding article. A copy of this inventory, signed by both senior pharmacists, shall be sent to the Ministry of Health and Social Welfare within five (5) days from the date of hand-over. Failure to meet this requirement shall be penalized by a fine of between one hundred (100) and two hundred (200) days' urban minimum wage.

ARTICLE 33

The Ministry of Health and Social Welfare shall be empowered to apply administrative penalties to anyone who contravenes the articles in Title II of this Law, and it may, in turn, authorize the head of the Drugs and Cosmetics Division and the regional directors of the National Health System in each federal unit to apply these penalties. Likewise, the Ministry of Development is empowered to apply

administrative penalties in cases of infringement of the articles in Title II of this Law, within its sphere of competence, in line with its powers and functions.

TITLE III OFFENCES

Chapter I Common law and military offences and penalties

ARTICLE 34

Anyone who illicitly deals in, distributes, conceals, manufactures, produces, refines, processes, extracts, prepares, transports, stores or brokers or who administers or finances the above operations and traffics in the substances or their raw materials, precursors, solvents and essential chemicals, diverted to produce the narcotic and psychotropic substances referred to in this Law shall be punished by imprisonment for a term of between ten (10) and twenty (20) years.

ARTICLE 35

Anyone who illicitly sows, cultivates, harvests, preserves, produces, stores or brokers or who administers or finances such operations, or traffics in, transports and distributes seeds, resins or plants that contain or reproduce any of the substances referred to in this Law, shall be punished by imprisonment for a term of between ten (10) and twenty (20) years.

ARTICLE 36

Anyone who illicitly possesses the substances, raw materials, seeds, resins or plants referred to in this Law, for purposes other than those envisaged in articles 3, 34 and 35 and other than personal use, as established in article 75, shall be punished by imprisonment for a term of between four (4) and six (6) years. The following amounts are considered in cases of possession: up to two (2) grams, for possession of cocaine or its derivatives, compounds or mixtures with one or more ingredients; up to twenty (20) grams, for possession of *Cannabis sativa*. When ruling on possession of other narcotic or psychotropic substances, the judge shall take into account amounts, depending on the nature and usual form of the substances. In no case shall the degree of purity of the substances be given consideration.

The judges shall assess the circumstances of the offender and the amount of substance seized when imposing a sentence, at the lower or higher limit, in accordance with the rules set out in article 37 of the Penal Code.

A person charged with an offence pursuant to this Law may be granted the benefit of committal for trial or suspended sentence, provided that he has committed no other offence, that it is not a question of recidivism, and that he is not a foreigner visiting the country as a tourist.

ARTICLE 37

Anyone who, personally or through an intermediary, whether an individual or a corporation, uses mechanical, telegraphic, radio-electric, electronic or any other means to transfer capital or profits that derive from:

1. Direct or indirect involvement or joint involvement in the illicit trafficking, distribution, supply, production, refining, processing, extraction, preparation, manufacture, transport, storage, brokering, administration, financing or any other activity, measure or step to facilitate the illicit traffic in narcotic or psychotropic substances, or raw materials, precursors, solvents or essential products destined for or used in the processing of the substances referred to in this Law;

2. Direct or indirect involvement or joint involvement in the sowing, cultivation, harvesting, preservation, storage, transport, distribution, administration or financing, or deriving from the commission of any illicit activity connected with the trafficking, purchase or brokering of seeds, plants or parts thereof and resins that contain narcotic or psychotropic substances,

shall be sentenced to imprisonment for a term of between fifteen (15) and twenty-five (25) years. The same sanction shall apply to anyone who conceals or disguises the origin, nature, location, movement or destination of capital or surplus capital, whether liquid or fixed assets, in the knowledge that such capital has been generated by the stages or activities of the illicit traffic in narcotic or psychotropic substances mentioned in paragraphs 1 and 2 of this article. The same sentence shall be imposed on anyone involved in the disposal, movement or ownership of goods or capital, or rights thereto, in the knowledge that they have been generated by the illicit stages or activities mentioned in paragraphs 1 and 2, and on anyone who converts proceeds in cash, titles, shares, securities, real or personal rights, fixed or movable assets that may have been acquired from the illicit stages or activities set out in paragraphs 1 and 2.

SINGLE PARAGRAPH

Individuals with directorial, managerial or administrative functions, such as president, vice-president, director, manager, secretary, administrator, officials, executives or employees, or anyone acting as their representative, with direct responsibility in the offices of institutions or organizations, such as commercial banks, mortgage banks, industrial banks, mining banks, agricultural credit banks and others established for special purposes; financial societies and rental firms, capitalization companies, money market funds and other forms of intermediation; credit institutes, insurance companies or insurance brokers, stock exchanges, exchange houses, branches and offices representing foreign banks, as well as enterprises or individuals concerned with real estate and rental property who, in any manner, participate in, control, receive, maintain custody of or administer credits, securities, sundry goods or proceeds generated by any of the illicit

actions or activities mentioned in paragraphs 1 and 2 of this article, shall be considered as direct accomplices and shall incur the penalty corresponding to the offence committed, as set out in this article.

Legal entities shall be punished by fines of as much as the value of their entire capital, property and credits, and may not be less than the value of the capital, property or credits in the money-laundering operations carried out. The capital, property or credits coming under the offence shall be confiscated.

ARTICLE 38

Anyone who purveys, applies or supplies the substances referred to in this Law to a minor, to a person with physical or mental disability or to a native belonging to a clearly-defined tribe, located on territory that is remote or difficult to reach from populated centres, shall be sanctioned by imprisonment for a term of between fourteen (14) and twenty (20) years; if, on top of this, he uses a minor, a disabled person or a native to commit the offences set out in articles 34 and 35 of this Law, he shall be sentenced to imprisonment for a term of between fifteen (15) and twenty five (25) years.

ARTICLE 39

If anyone has committed any of the offences envisaged in Chapter I of this Title, in connection with the exercise of a profession or office, subject to authorization or supervision for reasons of public health, the sentence shall be increased by one sixth to one quarter.

ARTICLE 40

Anyone who, without committing an offence indicated in the preceding articles, uses or permits the use of a vehicle, premises or meeting-place for persons to consume the substances referred to in this Law shall be sentenced to imprisonment for a term of between three (3) and six (6) years.

If the place or premises are open to the public or are intended for official activities, or if the vehicle is intended for official or public use, the sentence shall be imprisonment for a term of between four (4) and eight (8) years.

Anyone who permits the presence of minors in such places, premises or vehicles shall be sanctioned by imprisonment for a term of between eight (8) and twelve (12) years.

Whoever derives benefit of any kind from the illicit activities referred to in this article, the sentence shall be increased by one quarter to one half.

ARTICLE 41

Anyone who incites or promotes the consumption of, donates, offers or supplies for immediate consumption any of the substances referred to in this Law shall be sentenced to imprisonment for a term of between six (6) and ten (10) years.

If the incitement, promotion or offer referred to in this article is made using audio, printed or visual media or by means of drawings, recordings, photographic prints or banners, or any other form of symbolic expression, the maximum sentence shall be imposed.

ARTICLE 42

Anyone who publicly incites one or more other people, by any means, to commit an offence defined in this Law shall be punished for the act of incitement alone by:

1. Imprisonment for between ten (10) and thirty (30) months, if the offence to which the incitement relates is punishable by a maximum term of imprisonment of more than twenty (20) years;
2. Imprisonment for between ten (10) and twenty (20) months, if the offence to which the incitement relates is punishable by imprisonment for a term ranging from a maximum of twenty (20) years to a minimum of six (6) years;
3. Imprisonment for a term of between eight (8) and ten (10) months, if the offence to which the incitement relates is punishable by a term of imprisonment of up to ten (10) years;
4. Imprisonment for a term of three (3) to six (6) months, in the case of incitement not to comply with the provisions of Title II, "Administrative order", of this Law, contravention of which is punishable by a fine imposed by the competent ministry or authority or by court judgement.

ARTICLE 43

The following shall be deemed to be aggravating circumstances in respect of the offence of trafficking, in all its forms, as set out in articles 34 and 35 of this Law:

If these offenses are committed:

1. In the home or at educational, welfare, cultural or sporting establishments or in churches of any denomination;
2. At places of public entertainment or performance, social centres or premises used for public catering;
3. At places of detention, prison or police custody;

4. Areas within three hundred (300) metres of such places, establishments or institutions;
5. Vessels, aircraft and any other vehicle used for military transport, or in military barracks, premises or installations;
6. Public offices and installations of the national, regional or municipal government.

In the cases mentioned above, the sentence shall be increased by one third to one half.

When the offences mentioned in this article are committed in the locations indicated in paragraph 5 above, the offenders shall be tried by military tribunals and the procedure set out in the Code of Military Justice shall apply, with the means of evidence and the system of assessment laid down in that Law.

If the perpetrator of the offences indicated above is a public official or is not a public official, but has the use of documents or credentials or performs services in the above-mentioned institutions, churches, establishments or places, the sentence shall be increased by one half.

ARTICLE 44

Anyone who derives benefit from or causes damage at a sports contest or event, incites or induces a sportsman, whether professional or amateur, to consume the substances referred to in this Law, or supplies them with such shall be sentenced to imprisonment for a term of between four (4) and six (6) years.

If the offence has been committed under duress or by deception, or in a surreptitious manner, the sentence shall be increased by one half.

ARTICLE 45

Anyone who supplies or administers to any animal the substances referred to in this Law shall be sentenced to imprisonment for a term of between two (2) and four (4) years. If the animals concerned are used for competitive purposes, the sentence shall be increased by one third.

Specialists or scientists who use such substances for research purposes are excluded from this provision.

ARTICLE 46

Anyone who employs deception, threats or violence to make a person consume the substances referred to in this Law shall be punished by imprisonment for a term of between fifteen (15) and twenty (20) years.

ARTICLE 47

Whoever commits any of the offences indicated in articles 34 and 35 of this Law, with a view to undermining the sovereignty, independence or security of the Venezuelan State, its territorial integrity, its public authorities or State bodies, or to undermining the economic and social development of the Nation and the National Armed Forces, shall be punished by imprisonment for a term between twenty-five (25) and thirty (30) years.

Public officials, members of the National Armed Forces, police forces or security services of the State and persons employed by the public authorities who, in whatever manner, are involved in, conceal or assist the commission of an offence shall be liable to the same punishment.

The offence shall be deemed a military offence, even in the case of non-military personnel, when professional military personnel are involved or if it is initiated, supported or assisted by national or foreign military forces. In this case, the procedure set out in the Code of Military Justice shall apply, with the means of evidence and the system of appraisal laid down in that Law.

ARTICLE 48

Soldiers on sentry duty who consume narcotic or psychotropic substances shall be liable to the following penalty:

1. If the offence is committed in face of the enemy, or in face of rebels or insurgents, imprisonment for a term of between two (2) and six (6) years and, if the offences result in harm to the service, imprisonment for a term of between eight (8) and sixteen (16) years;
2. If the offence is committed on active duty, but not in the face of the enemy, imprisonment for a term of between one (1) year and five (5) years, but, if the aggravating circumstance mentioned in 1 above applies, imprisonment for a term of between six (6) and ten (10) years;
3. If the offence is committed in any other circumstances, imprisonment for a term of between one (1) year and three (3) years.

Soldiers on sentry duty are understood as being those on watch: soldiers belonging to the guard service, officers or non-commissioned officers in charge, orderly officer, commander of the watch, sergeant of the guard, relief corporal, soldier of the guard, sentry on watch, guard orderly and patrols and rounds, as well as those responsible for telegraph, telephone or any other military communications service, reserve guards or orderlies on vessels or in barracks or other military establishments, and couriers or carriers of orders and other military communications. The above-mentioned offence lies within military jurisdiction. The procedure set out in the Code of Military Justice shall apply, with the means of evidence and the system of appraisal laid down in that Law.

ARTICLE 49

Anyone who contaminates water, beverages or foodstuffs that are or may be used by the National Armed Forces with narcotic or psychotropic substances shall be punished by imprisonment for a term of between ten (10) and eighteen (18) years.

This offence lies within military jurisdiction and the procedure set out in the Code of Military Justice shall apply, with the means of evidence and the system of appraisal laid down in that Law.

Similarly, anyone who contaminates drinking water for public use or items for use in public catering with narcotic or psychotropic substances shall be punished by imprisonment for a term of between ten (10) and eighteen (18) years. In this case, the offence lies within ordinary jurisdiction.

ARTICLE 50

A regular officer, non-commissioned officer or regular serviceman who, in the performance of their duties, illegally consumes narcotic or psychotropic substances shall be sentenced to imprisonment for a term of between two (2) and six (6) years. If the same offence is committed on active service, the sentence shall be doubled.

The above-mentioned offence lies within military jurisdiction and the procedure set out in the Code of Military Justice shall apply, with the means of evidence and the system of appraisal laid down in that Law.

ARTICLE 51

If a regular soldier, regardless of rank and military position, commits the common offences mentioned in this Law, the sentence shall be increased by one sixth to one third.

He shall also be liable to the additional penalties established in section 3 of article 60 and be sentenced by the competent military courts, in accordance with the procedure set out in the Code of Military Justice, with the means of evidence and the system of appraisal laid down in that Law.

If a common offence has been committed by regular soldiers, whatever their rank and military position, jointly with civilians or non-regular soldiers, as the main perpetrators or as accomplices and abettors, all those involved shall be subject to military jurisdiction, in the manner indicated above.

Chapter II Offences against the administration of justice in the application of this Law

ARTICLE 52

A judge who fails to or refuses to pass judgement, under the pretext of its obscurity, insufficiency, contradictory nature or silence of this Law, shall be liable to a term of imprisonment of between one (1) and two (2) years. If the judge acts out of private interest, the sentence shall be doubled.

A judge who contravenes this Law or uses his power for the benefit or to the detriment of the accused, shall be punished by a term of imprisonment from three (3) to six (6) years.

SINGLE PARAGRAPH:

The Council of the Judiciary shall take all necessary steps to remove him from office, on the understanding that the person concerned may return to the bar after a period of twenty (20) years has elapsed, starting from completion of the sentence, provided that his conduct has been untarnished during that time.

ARTICLE 53

A judge who delays the proceedings, in order to prolong the detention of the accused or so that the relevant penal activity lapses, shall be liable to a term of imprisonment of between two (2) and four (4) years. The same punishment shall apply to persons who have been involved in the offence as direct accomplices. Similarly, any examining official or criminal investigation official who, in the performance of his duties, becomes aware of any act for which he is ordered by the Law *ex officio* to proceed, but fails to report it, or unduly delays in issuing an order to proceed and report to the competent authority, shall be liable to suspension from office for six (6) months, without remuneration and, in a serious case or a repeated offence, to removal from office, after a disciplinary procedure, in both cases, by the Council of the Judiciary, if the official is a judicial employee, or by the competent authority, if the official is employed by the police.

SINGLE PARAGRAPH:

A judge who causes recovered or seized assets to be put to a use different from that set out in this Law shall be liable to a term of imprisonment of between one (1) and five (5) years. If the diversion was for the judge's own benefit, the term of imprisonment shall be between two (2) and seven (7) years, without prejudice to any criminal responsibility that he may have incurred in the commission of another offence.

ARTICLE 54

Attorneys or representatives of the Public Prosecutor's Office who fail to apply the legal recourse or fail to pursue the proceedings designed to uncover the truth, to ensure the propriety of the proceedings, to comply with the procedural time-limits and to afford the accused proper protection shall be liable to a term of imprisonment of between two (2) and four (4) years and disqualification from the exercise of their functions for the same period, after the sentence has been carried out.

ARTICLE 55

Any forensic experts referred to in this Law who issue false reports on the examinations or analyses they are called upon to submit to the judicial authority shall be liable to a term of imprisonment of between two (2) and four (4) years.

If the false analysis or report has formed the basis of a conviction, the penalty shall be imprisonment for a term of between four (4) and six (6) years. In both cases, the person concerned shall be disqualified from carrying on any professional activities for a period equal to the penalty imposed, once the sentence has been carried out.

ARTICLE 56

Officials of the Criminal Investigation Police, experts, directors of detention centres, prisons, penitentiaries and correctional establishments, as well as any law officers who, wilfully or negligently, contravene the time-limits set out in this Law for remission of the detainee and the file, the required surveys and reports, or who delay the transfer of the accused to the court, or for the purpose of tests, or delay the hand-over of certificates and summonses, in each case, depending on their functions, or who refrain from sending them to the competent authority, thereby infringing legal or statutory provisions, or who fail to comply with or delay in carrying out their functions or abuse the power conferred on them by their office, without fully justified grounds, shall be liable to the following penalties:

1. An official warning, on the first occasion.
2. Suspension from duty, without remuneration, for a period of two (2) months, for a repeated occurrence.
3. Imprisonment for a term of two (2) years and removal or disqualification for the same time, after the deprivation of liberty has been completed.

In the first two cases, the procedure shall be of a disciplinary nature. In the third case, it shall be of a jurisdictional nature.

A senior official responsible for opening, initiating or adjudicating the disciplinary procedure who fails to do so wilfully or by negligence shall be subject to disciplinary procedure and liable to a penalty involving suspension from duty for two (2) months, without remuneration, if culpability is proven.

Chapter III Provisions common to the preceding chapters

ARTICLE 57

The penalties indicated in this Title shall be applied in accordance with the relevant rules fixed in the Penal Code.

The concept of an attempted offence or a frustrated offence shall not be acceptable in relation to the offences set out in articles 34, 35, 36, 37 and 47.

ARTICLE 58

None of the offences set out in this Title shall enjoy the benefit of release from a secure prison on bail, unless there is acquittal in the first instance, nor shall the provisions set out in Book III, Title III of Chapter III of the Code of Criminal Procedure apply. The benefits of committal for trial and conditional suspension of the sentence may apply only to those accused of or sentenced for any of the offences described in articles 36 and 40, unless there is a possibility of juveniles being involved, or in articles 42, 44, 45 and 48, paragraphs 1 and 2, when the duty is not harmed and the situation indicated in section 3 of said article applies. Similarly, the aforesaid benefits may be granted to persons who are involved in the commission of the offence indicated in article 50.

ARTICLE 59

If the court is to issue an order for committal for trial and suspension of the sentence, it is necessary, in addition to the requirements set out in the Law on Benefits of Penal Procedure, for the following to apply:

1. There shall be no other offence.
2. It shall not be a repeated offence.
3. The person concerned should not be a foreigner with tourist status.
4. The punishable act allegedly committed shall entail a sentence of imprisonment for not more than eight (8) years.

In the application of these benefits no consideration shall be given to the maximum limits fixed in the Law on Benefits of Penal Procedure.

ARTICLE 60

The following penalties shall be additional to those indicated in this Title:

1. Expulsion from Venezuelan territory, in the case of a foreigner, after completion of the sentence.
2. Loss of Venezuelan nationality acquired by naturalization, when the person concerned has demonstrably been directly involved in the commission of the offence indicated in article 34.
3. Loss of retirement pension, to which the person concerned may be entitled or which he may have been enjoying, in the case of a public official or ex-official, for a period of ten (10) years after the sentence is put into effect.
4. Loss of retirement pension or long-service allowance, to which the person concerned may be entitled or which he may have been enjoying, in accordance with the Organic Law on Social Security in the Armed Forces, for a period of ten (10) years, after completion of the sentence, as well as loss of seniority, if he is a regular officer or non-commissioned officer, regardless of his military position or rank. Similarly, loss of seniority and loss of the aforesaid long-service allowance, for a period of ten (10) years, after completion of the sentence, and expulsion from the professional corps concerned, in cases involving the offences described in articles 34, 35, 37, 41, 46, 47, 48, 49 and 50 of this Law.
5. Disqualification from carrying on a profession or activity, in the case of the professionals referred to in article 39 of this Law, for a period equal to that of the sentence, after completion of the sanction. This disqualification shall be published in the Official Gazette of the Republic of Venezuela and a national newspaper.
6. A necessary addition to another principal penalty is the loss of movable property and real estate, instruments, appliances, equipment, arms, vehicles, capital and proceeds thereof, in whatever form, which may have been used to commit the offences indicated in this Law, as well as the proceeds and income therefrom, by means of confiscation, in accordance with the provisions of article 66 of this Law.

ARTICLE 61

During the summary investigation into any of the offences set out in this Law, the examining official shall order the freezing or immobilization of bank accounts and the preventive closure of any hotel, guest house, establishment for the retail sale or consumption of alcoholic beverages, restaurant, club, association, night-club, concert hall or annexes thereto, or any other premises open to the public, in which this Law may have been violated.

Once the freezing or immobilization of bank accounts and the preventive closure measures have been imposed by the examining official, the judge of first instance shall

