

Based on the article 95, act 3 of the Constitution of Montenegro, I hereby pass a

DECREE
ON PROCLAIMING THE LAW ABOUT PREVENTING DRUGS ABUSE

I hereby proclaim the law about preventing drugs abuse, which was brought by the Assembly of Montenegro, in its 24.session, in the fifth meeting of the first regular (spring) session of this 2011, on the day of 26th of May, 2011.

Number: 01- 695/ 2

In Podgorica, 3rd of June, 2011.

The President of Montenegro
Filip Vujanović

Based on the article 82, paragraph 1, act 2 and the article 91, paragraph 2 of the Constitution of Montenegro, in its 24.session, the fifth meeting of the regular (spring) sessions, on the day of 26th of May in 2011, the Assembly of Montenegro proclaimed:

THE LAW
ABOUT PREVENTING DRUGS ABUSE

I. BASIC REGULATIONS

Article 1

Due to protection of lives and health of the population, this law is to determine the measures and regulations: for prevention of drugs abuse, means for production and circulation of drugs, measures for obtaining the professional help for drugs addicts and other relevant matters concerning the prevention of drugs abuse.

Article 2

Drugs is considered as any plants or other substances of natural or synthetic origin, as well as psychotropic substances which can cause changes or malfunctioning of both physical and mental wellbeing and which are enlisted in the List of drugs, psychotropic substances and plants that can be used for drugs production (in further text: the List of drugs).

In respect of this law, the word drug means any remedy which consists of one or more drugs.

Article 3

According to the level of their danger and the risk towards human health, as well as the consequences of their consumption or their usage in the medicine, all drugs are divided in three groups in the List of drugs:

- Group I involves the drugs of a great danger for human health in respect of serious consequences that can be caused due to their consummation;
- Group II involves drugs of a great danger for human health in respect of serious consequences that can be caused due to their consummation and can be used in medicine though;
- Group III involves drugs of a medium danger for human health in respect of serious consequences that can be caused due to their consummation and can be used in medicine though.

Article 4

The List of drugs is officially made according to international standards and United Nations conventions, as well as the recommendations of the European information network for drugs and drugs addiction (Reitox) and the Systems of early warning to the latest synthetic drugs.

The List of drugs is brought by the relevant unit of the state administration which is in charge of health matters (in further text: Ministry), alongside with relevant the opinion of the unit in charge of police matters and the Agency for drugs and other medical means (in further text: Agency).

Any changes or additions to the List of drugs are performed according to the paragraphs 1 and 2 of this article.

The List of drugs is issued in the Official Register of Montenegro.

Article 5

Certain expressions used in this law have the following meaning:

- 1) **A remedy** is any solution or mixture, in any physical state which contains one or more drugs, psychotropic substances, plants or parts of plants, as well as plants derivatives which can be used for drugs production;
- 2) **Growing the plants to obtain drugs** involves getting and possessing the seeds, seeding, harvesting, taking and possessing parts of plants or any other procedure which can be used to obtain drugs;
- 3) **The tools for drugs production** is a device or a machine which are meant and used to produce drugs
- 4) **An importer** is any legal person in charge of the activities of import and who is to submit customs declaration;
- 5) **An exporter** is any legal person in charge of the activities of drugs export and who is to submit customs declaration;
- 6) **A transit** is any transport across the territory of Montenegro without the activities of reloading or any changes of the cargo from the entrance to the exit point of the territory of Montenegro;
- 7) **The usage** is taking (contemporarily, occasionally or regularly) or any other exposure to drugs in respect of therapist indications;
- 8) **Co-morbidity** means the appearance or combination of two or more malfunctions within one person, regardless the order of their appearance or changes within one or more different periods of a life;
- 9) **Re-socializing** is any planned or systematic process of correction of the socially inappropriate attitudes, opinion or beliefs, the wrong system of values and misbehavior, with the task of reintegrating addicts into society;
- 10) **Rehabilitation** means applying any methods of physical or social help for addicts, which reclines on making addicts able perform the very best of their capacities and abilities which urges team work of professionals from different fields, especially social workers;
- 11) **The system of early warning to the latest synthetic drugs** is a mechanism for extremely fast exchange of information regarding appearance, production, selling, usage and risks of the new substances, not listed in the United Nations lists, which are dangerous for human health;
- 12) **The European centre for detection of drugs and drugs addiction** is a referent agency within European Union, which is to obtain scientifically based, objective and comparative information in order to prevent drugs abuse;
- 13) **European information network for drugs and drugs addiction** involves the close connection of both personnel and information of different information units.

II. THE MEANS OF PREVENTION AND PREVENTING FROM DRUGS ABUSE AND THE HELP FOR DRUGS ADDICTS

Article 6

The means of prevention and preventing from drugs abuse is the combination of professionally planned systematic measures and procedures in order to prevent any appearances of drugs abuse, as well as to reduce as much as possible the offer and urge for drugs.

Drugs abuse means any planting or growing plants in order to get drugs, possessing means and tools to produce them, deliberate or exaggerated usage of drugs (out of medical treatment), as well as the production or circulation of drugs in a way they violate the regulations of this law.

Parents, foster parents, teachers, professors, health workers, workers in social services, sports workers, all employers are obliged to enforce all possible means to prevent drugs abuse among children and youths.

In order to prevent drugs abuse, state units, state administration units, municipal administration units are obliged to report to police immediately after they notice any legally suspicious activities concerning drugs abuse.

Educative, cultural, scientific or any other similar institutions, as well as any legal person who does hotel or restaurant management, organizes cultural or sports events, does touristic activities are obliged to report to police immediately after they notice any legally suspicious activities concerning drugs abuse.

Officials, clerks, employees in postal services, people involved in any delivering activities, agents, customs officers, transport officers, warehouses attendants and any other employees involved in transport of different goods are obliged to report to police immediately after they notice any legally suspicious activities concerning drugs abuse.

Airplane or ship crews, as well as any passengers on board are obliged to report to any legally suspicious activities concerning drugs abuse to the ship or the plane captain, who will immediately report to police.

Article 7

In order to prevent drugs abuse, to preserve and improve healthy life styles, to inform and educate about the dangers of drugs abuse, to help drugs addicts and their families, to make the approach towards this matter more efficient and coordinated, the Government of Montenegro (in further text: Government) brings into effort the National Strategy about Preventing Drugs Abuse (in further text: Strategy).

The Strategy involves the state units and organizations and their activities, as well as measures and deadlines for completing determined tasks.

The subjects form paragraph 2 of this article, alongside with the opinion from the Commission for drugs, make the programs for completing goals of the Strategy.

Article 8

In order to conduct all activities concerning drugs abuse, within municipal self-management institutions, special offices are established. These are related to prevention from drugs addiction (in further text: offices).

NGOs, who conduct the activities about prevention of drugs abuse, work very closely with the offices.

Article 9

In order to supervise and encourage all activities concerning drugs abuse, the government founds the State Council for prevention of drugs abuse (in further text: Council).

The Council:

- Promotes preventive activities and all public information concerning damages caused by drugs abuse;
- Supervises the conducting activities from the Strategy;
- Encourages all activities of self-management offices who deal with prevention of drugs abuse;
- Takes into consideration and adopt program activities of different units or institutions who are in charge of conducting the activities from the Strategy;
- Takes into consideration any suggestions from Commission for drugs;
- Is involved in international cooperation as well as in improving the system for collecting information;
- Suggests the improvements of legal acts;
- Is also involved in any other similar activities concerning the Strategy resolutions.

All professional and administrative work for Council needs is done by the Ministry.

The qualifications of people within the Council, their number and description of their responsibility is described by the Act of education.

Article 10

Doing professional activities within the process of preventing drugs abuse is done by the Commission for drugs which is founded by the Ministry.

The commission, from the paragraph 1 of this article, consists of specialist from psychiatry, social care, pharmacology, toxicology, education, as well as representatives from other field of work.

The act of education, which is in charge of founding the Commission from paragraph 1 of this article, determines closely who takes part in commission and the description of their work.

The Commission from paragraph 1 of this article :

- Supervises general state concerning prevention of drugs abuse;
- Supervises the state concerning health and social care of drugs addicts;
- Gives professional opinion for proposals of different units and institutions` activities concerning drugs abuse, help for drugs addicts and their families;
- Suggests professional inputs to the Ministry concerning help for the addicts
- Cooperates with any scientific or researching institutions, media, NGOs or any other legal persons concerning prevention, medical treatment, help, rehabilitation and social re integration of addicts and their families;
- Gives professional opinion about inspection supervising activities;
- Supervises contemporary scientific and professional improvements concerning drugs;
- Is involved in any other activities concerning the regulations of this law.

Article 11

An addict is a person who led oneself in the state of being addicted to drugs by abusing ones, i.e. by exaggerating in both physical and psychic urges to use them.

An addict is to be provided help, concerning professional inputs, which consists of a set of measures and procedures of health and social care, such as: detection, diagnostics, urgent interventions, detoxification, psycho-pharmacological treatment of primary illness and ??????????????, extended medical treatment, social rehabilitation and re-integration, providing constant professional help, advising, prevention and healing dangerous consequences caused by drugs abuse, as well as supervising and family therapy treatments.

The help for addicts, which involves the measures and procedures of health care, is provided in public health institutions, concerning all professional inputs by the Ministry.

The public health institutions and NGOs registered to provide help for drugs addicts, can also contribute to the general idea of reducing dangerous effects caused by drugs abuse with their own programs concerning professional inputs from the paragraph 3 of this article.

Article 12

Drugs addicts, who have already been treated, are to be provided rehabilitation and re-socialization in special institutions, as the law suggests.

Within the institutions from paragraph 1 of this article, all drugs addicts, who have been treated, are being offered help in respect of rehabilitation and re-socialization by applying methods and procedures according to plans and programs from article 7, paragraph 3 of this law, as well as all professional advice and inputs recommended by administration unit in charge of social care, alongside the opinion of the Ministry.

All conditions that these institutions from paragraph 1 of this article, must have in respect of space, staff or facilities, are to be determined by the administration unit in charge of social care.

Article 13

The law about social and children care determines the conditions of foundation, description of the activities as well as the supervision of the institutions from article 12 of this law.

III. DRUGS ABUSE SUPERVISION

Article 14

Drugs abuse supervision is conducted by through information network of drugs, which presents systematic mechanism for standardized supervision of any problems related to drugs, collecting and analyzing data and information concerning indicators of European centre for supervision of drugs abuse and addiction, in order to compare them on European level as well as to develop information system in respect of needs and interests of Montenegro.

Collecting and analyzing information and data are regularly used to evaluate the needs and planning measures of prevention, medical treatment, reducing risks program, supervising and preventing from criminal activities related to drugs abuse and overall policy for reducing drugs abuse on the national level.

In order to achieve activities from paragraph 1 of this article the Ministry is to found the information unit for drugs (in further text: information unit).

The information unit is to collect all data, from paragraph 1 of this article, and according to relevant standards are distributed and exchanged with international units.

Article 15

Based on determined regulations from Strategy, units and institutions are part of information network from the article 14, paragraph 1 of this law and they are to collect and exchange data with information unit.

NGOs, from article 11, paragraph 4 and institutions from article 12, paragraph 2 of this law are to fill registration forms about drugs addicts, deliver it to the Institute for Public Health according to regulations of the Law of data collections, in the field of health.

The data from paragraphs 1 and 2 of this article are delivered without personal information about addicts, according to the law.

The Ministry determines deadlines, the systems of collecting information, analyzing the data and delivering information according to professional inputs, standards and compulsory indicators of European centre for supervision of drugs abuse and addiction.

Article 16

The Ministry cooperates closely with European centre for supervision of drugs abuse and addiction as well as with other relevant European institutions, units and agencies, the United Nations institutions and other international institutions related to problems about drugs.

IV. GROWING PLANTS THAT CAN BE USED FOR DRUGS PRODUCTION

Article 17

Out of all plants that can be used for drugs production, poppy and hemp are allowed to be grown, for special purposes and under conditions described by this law.

Self-growing plants, that can be used for drugs production, have to be destroyed.

Any person, who is under any circumstances the owner of the land with self-growing plants, is obliged to destroy them.

According to paragraph 3 of this article, if a person does not destroy the self-growing plants, the state administration unit which is in charge of sanitary measures, will destroy these plants at the owner's expense.

Article 18

Poppy and hemp growing is allowed for food and industrial purposes.

Poppy and hemp are allowed to be grown by any legal or physical individuals provided they have the license for growing these plants as well as a signed contract about the purchase of all harvested quantity with any legal person who is officially registered for circulation of poppy or hemp, according to the law regulations.

Based on the paragraph 2 of this article, on personal request, any legal or physical individual may have the license which is issued by the state administrative unit in charge of the sanitary care.

The same unit is in charge of keeping the file on licenses issued for legal growing of poppy or hemp.

Based on paragraph 4 of this article, the unit in charge of issuing these licenses is obliged to inform appropriate unit in charge of police activities no later than 7 days after the license was issued.

Opposite of the paragraph 2 of this article, any individual who is growing poppy or hemp for science sake, is allowed to do it without permission, provided all the space covered in these plants is regularly registered within the appropriate unit in charge of sanitary care.

The state administrative unit in charge of agriculture affairs determines: the form and content of the growing poppy or hemp request, the form and content of the license from the paragraph 2 of this article, the procedure of registering the space covered in these plants and keeping the files on issued licenses.

Article 19

The person who grows poppy and/or hemp is obliged to hand in to the legal person, who he/she has the signed contract with, all amount of harvested plants, no later than 4 months after the harvest itself.

The legal person, who has legal right to buy the plants, is obliged to buy the entire amount of harvested plants, according to the paragraph 1 of this article and based on time deadlines related to the same paragraph of this article.

Article 20

The person who grows poppy or hemp is to report immediately to police if he/she notices any illegal circumstances concerning abuse of poppy or hemp (i.e. cutting or collecting poppy capsules).

Article 21

The circulation and transport of poppy or hemp products, which are meant for medical or pharmaceutical purposes, can be done by any legal person who the Agency has issued the license for circulation of poppy and/or hemp products only after the contract about the purchase of poppy or/and hemp is signed between the two parties.

The legal person, from the paragraph 1 of this article, is obliged to keep the evidence about the quantity of purchased poppy and/ or hemp.

V. CONDITIONS ABOUT PRODUCTION AND CIRCULATION OF DRUGS

Article 22

The production of drugs involves preparation, processing, mixing, purifying or any other procedures that lead to getting drugs or to producing drugs.

The circulation of drugs involves import, export, transit, transport, storing, delivering, buying, selling , mediating in selling or buying, as well as any other activities involving drugs, such as exchange, selling by prescription or any other ways of drugs circulation.

Article 23

Production and circulation of drugs for medical or pharmaceutical purposes can be done by any legal person who has license for performing these activities.

The license from the paragraph 1 of this article, on personal request of the legal person, is issued by the Agency for the period of no longer than 5 years.

The request for extending the license for production and circulation of drugs is submitted to the Agency 6 months prior to expiring date.

The license cost is on expense of the legal person who has submitted the request for process of drugs production and circulation.

The conditions, from paragraph 1 of this article, that have to be obeyed in process of drugs production and circulation, are based according to the regulations related to medicaments production and circulation.

Article 24

The approval for drugs usage within industry can be issued to a legal person, provided that he/she clearly states that the produced goods are not to be abused or that the drugs, being only one part of medicament, are not to be abused separately from medicaments.

The Ministry approves the license to a legal person from the paragraph 1 of this article, no later than 30 days from the day of request submission. The license validity is 5 years.

Within this approval, from the paragraph 1 of this article, it is clearly determined each activity that the legal person is registered for and the description of their purpose, as well as every single drug, determined according to the List of drugs, which the legal person is allowed to use.

Article 25

All legal persons who are involved in scientific or researching activities, police, forensic or toxicology laboratories, specialized diagnostics laboratories, are allowed to grow, produce, buy, possess, import or use the drugs in the amount which is sufficient for performing their activities, provided that they are issued a special license for the mentioned activities.

A legal person from the paragraph 1 of this article, is issued the approval for drugs usage by the Ministry, no later than 30 days from the date of request submission for a period of a year.

The Ministry determines conditions and content, as well as all necessary documentation which is essential for obtaining the license, according to the article 24, paragraph 2 of this law and paragraph 2 of this article.

Article 26

The license for drugs production and circulation from the article 23 of this law, and the approval for drugs usage from articles 24 and 25 of this law, can never be issued to a person who has been charged for different criminal acts, drugs abuse or money laundry, nor to any legal employer whose employees have been charged for criminal acts.

The Ministry is in charge of obtaining any possible documentation from the unit in charge of keeping evidence for criminal acts and therefore guarantees that potential holders of the license or their employees have never been charged, nor that any criminal charges have ever been brought against them.

Article 27

The annual needs for drugs amount, from the article 23 of this law, are determined by the Agency, and the ones according to the articles 24 and 25 of this law are determined by the Ministry.

All legal individuals who are involved in the process of drugs production and circulation according to the article 23 of this law, as well as all legal individuals from the articles 24 and 25 of this law report their needs for drugs to the Agency, or the Ministry no later than 31st of January of the following year for that all year round.

The Ministry determines all annual needs for drugs based on the paragraph 1 of this article.

Article 28

The Agency determines the sufficient amount of drugs that any legal individual is allowed to produce, circulate or use, or have it stored during a period of a year.

The legal person from the article 23 of this law is obliged to report to the Agency, 4 times a year, about the quantity of imported or exported drugs alongside the information about the countries where the drugs come from and where they are being transported to, no later than 15 days after the ending day of each of the quarter periods.

All legal individuals, from paragraphs 24 and 25 of this law are obliged to keep the evidence on the amount of drugs they produce, import, use or possess or will have to destroy.

The evidence from the paragraph 3 of this article contains the information about the time of all conducted activities, as well as the names of delivery person/s.

The evidence from the paragraph 3 of this article, as well as the whole business and customs documentations are kept for at least five years.

All legal individuals from articles 24 and 25 of this law, are obliged to report to the Ministry about used, destroyed or stored amount of drugs during the previous year, no later than 31st of January of the following year.

All further means and regulations about keeping the evidence, from the paragraph 3 of this law, as well as about delivering the reports from paragraphs 2 and 6 of this article are determined by the Ministry.

Article 29

Drugs production and circulation can be performed by all legal individuals in their own plants or other rooms meant for that purpose, i.e. which fulfill all safety conditions which enable easier control and prevent from any illegal taking of the drugs.

All further safety conditions that these plants or rooms have to meet, based on paragraph 1 of this article, are determined by the Ministry, alongside the approval from the appropriate state administration unit in charge of interior affairs.

Article 30

The package which is used for drugs transport is to have appropriate evidence of the name of a product, the names of drugs, from the List of drugs, that are used to make the product, the name of a

manufacturer, chemical content (if it a mixture and/or natural product), the level of strength, the amount and all other information according to this law.

Article 31

A legal individual who is involved in the process of drugs production and circulation, is obliged by all means to report to the Agency or the Ministry, as well as the police immediately after he/she notices any suspicious activities related to drugs abuse concerning both production or transport of drugs, or any other unusual needs for drugs, stealing or other similar activities.

VI. IMPORT, EXPORT AND TRANSIT OF DRUGS

Article 32

Import, export and transit of drugs can be performed by all legal individuals who have the license for drugs production and circulation, followed by a special license for import, export and transition of drugs, issued by the Agency.

According to the articles 24 and 25 of this law, import of drugs can be performed by any legal individuals if they possess the license issued by the Ministry.

The license from the paragraphs 1 and 2 of this article is issued for the period of 30 days.

According to the paragraphs 1 and 2 of this article, a legal person is obliged to conduct the activities of import, export and transit of drugs on contemporary basis, no later than 30 days from the day of getting the license.

The Ministry determines the form and content of the license from paragraphs 1 and 2 of this article.

Article 33

The license from the article 32, paragraphs 1 and 2 of this law is issued on personal request of a legal individual.

The request from the paragraph 1 of this article contains:

- 1) The name and address of the importer or exporter;
- 2) International (INN) unprotected drugs name, pharmaceutical state if it is a remedy, the selling name, as well as the amount of every single substance, a plant or a remedy;
- 3) The deadline for completing the process of import or export;
- 4) The transport mean used in this process, as well as the name of crossing border point;

Alongside the request for export, a legal individual also submits the license for import issued in the country where drugs is to enter.

Article 34

In case of natural or other disasters, catastrophes or cases of emergency, the Ministry is allowed to issue the license for drugs import unless international agreement declares otherwise.

Article 35

With each drugs package which is imported must be included the original or sealed copy of the license for the export of the exporting country.

If the amount of imported drugs is smaller than stated in the license, the customs unit is obliged to make a statement about that in the license or on every sealed copy, as well as within the customs documentation.

The Ministry or the Agency are obliged to submit the license with appropriate documentation to the country of drugs origin.

Drugs can be exported from the territory of Montenegro, provided that the country where the drugs is exported, confirms the license for import of these goods is issued.

Article 36

Appropriate documentation for import, export and transit of drugs (invoices, bills of loads, certificates, customs or any other transport licenses) must contain:

- 1) The name of drugs the way it is stated in the List of drugs, as well as the selling name of the product if it is registered at all;
- 2) The exact amount of imported or exported drugs in or from the territory of Montenegro;
- 3) The name and address of an importer or an exporter.

Article 37

A legal individual who conducts the process of transit of drugs must have:

- 1) The license for export from the country where the drugs is exported to;
- 2) The license for import of the country where the drugs is imported to;
- 3) The license for transit across the territory of the third country towards the final destination, or the certificate from the state administration unit which confirms that the transit is allowed without special license.

Article 38

During the transit of drugs, according to the article 37 of this law, the customs office unit is obliged to:

- 1) Clearly state and confirm the amount and the type of drugs for every single package;
- 2) Note down in documentations the name of the country where the delivery is sent from, as well as the name of the country of the final destination;
- 3) Immediately Report to the Ministry or the Agency.

Article 39

It is not allowed to transport drugs across the territory of Montenegro to the final destination, different from the one stated in the license for export.

In case of any reported changes of routes or recipient , it will be considered as export to the country different from the one previously stated in the license.

A legal individual who conducts the process of drugs transit is to obtain the conditions and characteristics (physical, chemical or microbiological) will not change during transit, nor to expose then to any influence that might change their original characteristics, or to damage the original package or the seal.

Article 40

Regulations from the articles 37, 38 and 39 of this law are not to be applied to drugs delivery towards the countries, conducted by the plane.

If the plane has to land on the territory of Montenegro, including the landing in urgent cases, it will be considered that the drugs is imported in the country provided it is taken out of a plane or the circumstances determine so.

Article 41

During import, export or transit of drugs, the customs unit is obliged to note down the date, the place of customs and the name of a customs officer who is in charge of the process of customs activities.

The customs unit from the paragraph 1 of this article is obliged to submit the original or a sealed copy of the license, from paragraph 1 of this article, to the Agency or the Ministry, no later than 15 days from the day of customs activities.

The drugs deliveries, which are imported or exported, will be temporarily held or permanently taken away, if they are not appropriately matched to the content, unless determined otherwise.

VII. CONDITIONS FOR POSSESSING DRUGS

Article 42

Ships and airplanes, in international traffic, are allowed to possess drugs which they use as means of the first aid, in the appropriate amount for that purpose, which is determined and approved by the Agency. The approval from paragraph 1 of this article, is issued to a responsible individual within the legal one who possess a mean of transport.

The approval from paragraph 1 of this article contains the name of a legal individual, the name of responsible individual, as well as all conditions under which drugs is stores or transported.

Article 43

The person who crosses the state border, is allowed to possess the medicament that contains drugs in the amount for personal medical therapy for the period of no longer than 15 days alongside the medical approve about the necessity of that medicament usage.

Article 44

Police officers are allowed to possess drugs for the purpose of revealing crime offenders alongside the approval of district attorney or court in charge.

Article 45

It is forbidden to use, produce, circulate or possess drugs for personal usage or other means for drugs production, as well as growing plants that can be used for drugs production, unless it is stated differently by the law.

It is strictly forbidden to issue any medicaments that contain drugs to persons younger than the age of 18.

Article 46

It is not allowed to advertize or to give any kind of information concerning any aspect of drugs production, circulation or usage , either directly or indirectly, by any means of media, internet or any other ways (by post office, visiting, etc.)

Article 47

Procedures of this law are to be determined by the regulations of this law which arrange general administrative procedure, unless this law states otherwise.

VIII. DEPRIVING AND DESTROYING OF DRUGS

Article 48

Drugs which are seeded, planted, grown, produced, circulated, but in the way it opposes the regulations of this law, will be deprived.

If the deprived drugs can be used for further manufacturing or production, the administrative unit that was in charge of depriving those drugs will, once the process of investigating is completed, hand in the drugs to legal individuals from the article 25 of this law, without any cost on their own expense.

After the specimen of deprived drugs are protected, the unit which is in charge of investigation will decide whether the drugs from paragraph 1 of this article are to be stored for further time without any damage, if they are to sold or destroyed in front of a special commission even before the process of investigation is completed.

The commission from the paragraph 3 of this article is named by the administrative unit who is in charge of depriving drugs.

The commission is obliged to report to the Ministry every 6 months about the quantity of deprived and destroyed drugs.

Financial means, obtained by selling these drugs from paragraph 2 of this article, belong to the budget of Montenegro.

If the deprived drugs can not be used according to this law, they will be destroyed.

Financial means for destroying these drugs are obtained from the budget of Montenegro.

Article 49

The unit in charge of depriving drugs is to keep the evidence about the amount of deprived drugs.

The unit in charge of criminal investigation is to supervise the activities of storing these drugs.

The means of destroying drugs and keeping the evidence about the deprived and destroyed drugs, from the article 46 of this law, are determined by the Ministry, alongside professional opinion of the Agency for environment protection.

All information from the evidence from paragraph 3 of this article is reported to the Agency or the Ministry on a quarter period basis, no later than 15 days from the day a quarter period ends.

IX. SUPERVISION

Article 50

Supervising the activities of conducting this law and all of its regulations based on this law in respect of helping the addicts with professional inputs, conducting activities to reduce dangerous consequences of drugs abuse by registered NGOs, production, import, export, transit, usage, possessing or destroying is in competence of the Ministry through the network of health inspection institutions.

The activities of inspection in respect of growing the plants that can be used for drugs production is conducted by appropriate unit of sanitary care.

X. PENALTY REGULATIONS

Article 51

Any legal individual/s will be charged a fine in the amount of 2,000 to 20, 000 euros for violation of the regulations of this law in cases the person:

- 1) does not apply all methods and procedures during the process of providing help for drugs addicts, according to professional inputs determined by the Ministry (article 11, paragraph 3);
- 2) in charge of reducing dangerous affects of drugs abuse acts differently from determined professional inputs (article 11, paragraph 4);
- 3) does not destroy the self-growing plants that can be used to produce drugs (article 17, paragraph 3);
- 4) does not make a contract about the purchase of all harvested plants with the person who is legally registered and allowed to circulate poppy or hemp (article 18, paragraph 2);
- 5) does not report to appropriate unit for sanitary care on fields where the poppy or hemp are grown for scientific purpose (article 18, paragraph 6);
- 6) does not hand over to a legal person from the contract the whole amount of harvested poppy or hemp later than 4 months after the harvest itself (article 19, paragraph 1);
- 7) does not purchase the whole amount of poppy or hemp within the period which is clearly stated in the article 19, paragraph 1 (article 19, paragraph 2);

- 8) grows poppy or hemp, but does not report to appropriate police service some suspicious activities related to usage of the plants or some of their parts that can be used to produce drugs (cutting, collecting poppy capsules...) (article 20);
- 9) does not keep any evidence about the amount of poppy or hemp products (article 21, paragraph 2);
- 10) does not submit the annual quantity needs to the Agency or the Ministry no later than 31st of January of the following year for that very same year. (article 27, paragraph 2)
- 11) does not submit the report to the Agency about the quantity of imported or exported drugs four times a year, together with all necessary documentation about the origin of drugs, the name of the country which is the final destination, no later than 15 days from the day the quarter period ends. (article 28, paragraph 2);
- 12) does not keep the evidence about the quantity of drugs which is produced , imported, exported, possessed or which will be destroyed. (article 28, paragraph 3);
- 13) does note down the exact time related to the activities of producing, usage, possessing drugs, as well as the names of deliverers (article 28, paragraph 4);
- 14) does not keep the evidence about drugs in respect of business and customs documentation for the period of 5 years. (article 8, paragraph 5);
- 15) does not submit to the Ministry the report on used, destroyed or stored amount of drugs until 31st of January of the following year for the previous one. (article 28, paragraph 6);
- 16) conducts the activities of production and circulation of drugs, without reporting to the Ministry, the Agency or the police about all suspicious facts that can lead to drugs abuse, production or circulation, as well as the unusual purchase demands, stealing pr other illegal activities concerning production and circulation of drugs. (article 31);
- 17) does not obtain proper conditions of storing drugs during transit, concerning the changes in their texture or content, or allow the original package or the official seal to be changed (article 39, paragraph 3)
- 18) possesses certain amount of drugs on the planes or ships for providing the first aid activities without having the approval of the Agency (article 42, paragraph 1);
- 19) either directly or indirectly advertizes or gives any kind of information by means of media, internet or other different ways related to drugs production, circulation, usage and means of help (article 46).

In case of offence form paragraph 1 of this article, a responsible person if to be fined from 200 to 2,000 euros.

In case of offence from the paragraph 1 of this article, an entrepreneur is to be fined from 600 to 6,000 euros.

Article 52

Any physical individual will be fined from 30 to 2,000 euros in case the person:

- 1) does not destroy the self-growing plants that can be used for drugs production (article 17, paragraph 3);
- 2) does not have signed contract about the purchase of the whole amount of harvested plants with the person who is registered and allowed to circulate poppy or hemp (article 18, paragraph 2);
- 3) does not hand over the whole amount of harvested hemp or poppy to the person from the contract no later than 4 months after the harvest itself (article 19, paragraph 1);
- 4) grows poppy or hemp without reporting to police about any suspicious activities related to drugs abuse (cutting, collecting poppy capsules...) (article 20);
- 5) possesses drugs for personal usage opposite the regulations of this law (article 45, paragraph 1);
- 6) sells medicaments containing drugs to people under the age of 18 (article 45, paragraph 2)

XI. TRANSITIONAL AND FINAL REGULATION

Article 53

The regulations for conducting this law will be officially brought in the period of 9 months from the day this law is enforced.

Until the regulations are determined from paragraph 1 of this article, all regulations prior to enforcement of this law will be applied.

Article 54

The state council in charge of prevention for drugs abuse, according to this law, is to be founded within the period of 3 months from the day of this law enforcement.

On the day, when the state council for prevention of drugs abuse is founded, the national council for prevention of drugs abuse (once founded according to the Act of establishing the national council for prevention of drugs abuse, registered in the Official Register of Montenegro, numbers 11/10 and 75/10.) will end its activities.

Article 55

On the day of this law enforcement, stops the application of the Law about production and circulation of drugs (the Official Register of the Republic of Yugoslavia, numbers 46/96 and 37/02).

Article 56

This law will be officially enforced on the 8. day after it is announced in the Official Register of Montenegro.

Number 24-7/11-2/12

EPA 529 XXIV

In Podgorica, on this 26th of May, in 2011.

The Assembly of Montenegro in its 24.session

The President

Ranko Krivokapić

