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AN BILLE UM MI-USAID DRUGAI, 1972  
MISUSE OF DRUGS BILL, 1972

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*Mar a tugadh isteach  
As introduced*

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Controlled drugs.
3. Restriction on possession of controlled drugs.
4. Regulations permitting possession of controlled drugs.
5. Regulations to prevent misuse of controlled drugs.
6. Directions prohibiting prescribing, supply etc. of controlled drugs by qualified persons convicted of offences.
7. Additional powers in relation to certain controlled drugs.
8. Licences etc.
9. Possession of controlled drugs for unlawful sale or supply.
10. Prohibition of certain activities etc. relating to opium.
11. Prohibition of cultivation of opium poppy or cannabis plant.
12. Forged or fraudulently altered prescriptions.
13. Occupiers etc. permitting certain activities to take place on land, vehicle or vessel to be guilty of an offence.
14. Offences relating to acts outside the State.
15. Attempts etc. and miscellaneous other offences.
16. Onus of proof.
17. Power of Garda Síochána to search persons, vehicles, vessels or aircraft.
18. Powers of inspection, production of books or documents, and taking of samples.
19. Power of arrest.
20. Search warrants.
21. Penalties.
22. Defences generally.
23. Forfeiture.
24. Offences in relation to bodies corporate.
25. Poisons for purposes of Pharmacy Acts, 1875 to 1962.
26. Amendment of Poisons Act, 1961.
27. Service etc. of notices.
28. Regulations generally; laying of orders made by Minister.
29. Expenses.
30. Collection and disposal of moneys payable under Act.
31. Repeal of Dangerous Drugs Act, 1934, and transitional provision.
32. Miscellaneous repeals and transitional provisions.
33. Short title, commencement and collective citations.

SCHEDULE

CONTROLLED DRUGS.



AN BILLE UM MI-USAID DRUGAI, 1972  
MISUSE OF DRUGS BILL, 1972

# BILL

*entitled*

AN ACT TO PREVENT THE MISUSE OF CERTAIN 5  
DANGEROUS OR OTHERWISE HARMFUL DRUGS, TO  
ENABLE THE MINISTER FOR HEALTH TO MAKE FOR  
THAT PURPOSE CERTAIN REGULATIONS IN RELA-  
TION TO SUCH DRUGS, TO ENABLE THAT MINISTER  
TO MAKE CERTAIN REGULATIONS FOR THE PUR- 10  
POSES OF THE PHARMACY ACTS, 1875 TO 1962, TO  
AMEND THE POISONS ACT, 1961, TO REPEAL THE  
DANGEROUS DRUGS ACT, 1934, AND SECTION 78 OF  
THE HEALTH ACT, 1970, AND TO MAKE CERTAIN  
OTHER PROVISIONS IN RELATION TO THE FORE- 15  
GOING.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act—

“cannabis” (except in “cannabis resin”) means the flowering or  
fruiting tops of any plant of the genus *Cannabis* from which the resin 20  
has not been extracted, by whatever name they may be designated;

“cannabis resin” means the separated resin, whether crude or  
purified, obtained from any plant of the genus *Cannabis*;

“Category I controlled drug” means—

(a) any controlled drug which is specified in Part I of the 25  
Schedule to this Act and in relation to which there is not  
for the time being in force an order under *section 2 (3)* of  
this Act,

(b) any substance, product or preparation which pursuant to  
*section 2 (2)* of this Act stands specified as being a 30  
Category I controlled drug for the purposes of this Act,  
and

(c) any substance, product or preparation which pursuant to  
the said *section 2 (3)* is for the time being declared to be 35  
a Category I controlled drug for the said purposes;

“Category II controlled drug” means—

(a) any controlled drug which is specified in Part II of the  
Schedule to this Act and in relation to which there is not  
for the time being in force an order under *section 2 (3)*  
of this Act, 40

(b) any substance, product or preparation which pursuant to  
*section 2 (2)* of this Act stands specified as being a  
Category II controlled drug for the purposes of this Act,  
and

(c) any substance, product or preparation which pursuant to the said *section 2 (3)* is for the time being declared to be a Category II controlled drug for the said purposes;

“Category III controlled drug” means—

5 (a) any controlled drug which is specified in Part III of the Schedule to this Act and in relation to which there is not for the time being in force an order under *section 2 (3)* of this Act,

10 (b) any substance, product or preparation which pursuant to *section 2 (2)* of this Act stands specified as being a Category III controlled drug for the purposes of this Act, and

15 (c) any substance, product or preparation which pursuant to the said *section 2 (3)* is for the time being declared to be a Category III controlled drug for the said purposes;

“duly issued prescription” has the meaning assigned to it by *section 12* of this Act;

“forged prescription” has the meaning assigned to it by *section 12* of this Act;

20 “land” includes land covered with water;

“the Minister” means the Minister for Health;

“opium poppy” means the plant of the species *Papaver somniferum L.*;

25 “prepared opium” means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;

“prescribed” means prescribed by regulations made by the Minister under this Act;

30 “qualified person” means a registered medical practitioner, a registered dentist, a registered veterinary surgeon and any person who for the time being is lawfully keeping open shop for the sale of poisons under the Pharmacy Acts, 1875 to 1962;

“supply” includes giving without payment.

35 (2) For the purposes of this Act any controlled drug or other thing of which a person has control and which is in the custody of another who is either under the person’s control or, though not under the person’s control, acts on his behalf, whether as an agent or otherwise, shall be regarded as being in the possession of the person, and the provisions of *section 10* and *section 12* together with the provisions of this Act relating to the possession of controlled drugs shall

40 be construed and have effect in accordance with the foregoing.

45 2.—(1) In this Act “controlled drug” means any substance, product or preparation (other than a substance, product or preparation specified in an order under *subsection (4)* of this section which is for the time being in force) which is either specified in the Schedule to this Act or is for the time being declared pursuant to *subsection (2)* of this section to be a controlled drug for the purposes of this Act.

Controlled drugs.

50 (2) The Government may by order declare any substance, product or preparation (not being a substance, product or preparation specified in the Schedule to this Act) to be a controlled drug for the purposes of this Act and an order made under this subsection may in addition specify as being for the purposes of this Act a Category I controlled drug, a Category II controlled drug or a Category III controlled drug, any substance, product or preparation so declared to be a controlled drug.

55 (3) The Government may by order declare any substance, product or preparation specified in the Schedule to this Act to be for the purposes of this Act—

(a) in case the substance, product or preparation is specified in Part I of the said Schedule, either a Category II controlled drug or a Category III controlled drug,

(b) in case the substance, product or preparation is specified in Part II of the said Schedule, either a Category I controlled drug or a Category III controlled drug, 5

(c) in case the substance, product or preparation is specified in Part III of the said Schedule, either a Category I controlled drug or a Category II controlled drug,

and so long as an order under this subsection is in force, this Act shall have effect as regards any substance, product or preparation specified in the order as if the substance, product or preparation were specified in such Part of the said Schedule as may be appropriate having regard to the terms of the declaration contained in the order. 10

(4) The Government may by order declare that the provisions of this Act shall not apply in relation to a substance, product or preparation specified both in the order and in the Schedule to this Act, and so long as an order under this subsection is in force, this Act shall not apply in relation to a substance, product or preparation specified in the order. 15 20

(5) The Government may amend or revoke an order under this section (including an order made under this subsection).

(6) When an order under this section is proposed to be made, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House. 25

Restriction on possession of controlled drugs.

3.—(1) Subject to *section 4 (3)* of this Act, a person shall not have a controlled drug in his possession.

(2) A person who has a controlled drug in his possession in contravention of *subsection (1)* of this section shall be guilty of an offence. 30

Regulations permitting possession of controlled drugs.

4.—(1) The Minister may make regulations enabling any person, or persons of a prescribed class or description, in prescribed circumstances or for prescribed purposes, to possess a controlled drug subject to such conditions (if any), or subject to and in accordance with such licence, as may be prescribed. 35

(2) Subject to *section 7* of this Act, the Minister shall exercise his power to make regulations under this section so as to secure that it is not unlawful under this Act for a qualified person to have a controlled drug in his possession for the purpose of his profession or business. 40

(3) It shall be lawful for any person, or a person of a class or description specified in regulations under this section, to have in his possession in prescribed circumstances or for prescribed purposes, as may be appropriate, a controlled drug specified therein, provided that any conditions specified in the regulations or attached to a licence granted under this Act and applicable in the particular case are complied with by him. 45

Regulations to prevent misuse of controlled drugs.

5.—(1) For the purpose of preventing the misuse of controlled drugs, the Minister may make regulations— 50

(a) prohibiting absolutely, or regulating subject to such conditions or exceptions as may be specified in the regulations, or subject to any licence, permit or other form of authority as may be so specified—

- (i) the manufacture, production or preparation of controlled drugs,
- (ii) the importation or exportation of controlled drugs,
- 5 (iii) the sale or supply, the offering for sale or supply or the distribution of controlled drugs,
- (iv) the transportation of controlled drugs,
- (b) requiring prescribed precautions to be taken for the purpose of ensuring the safe custody of controlled drugs,
- 10 (c) requiring prescribed records to be kept in relation to controlled drugs and regulations under this section may specify the manner in which the records are to be kept and maintained and such regulations may also provide for the furnishing of information relating to such records to the Minister,
- 15 (d) regulating the issue by registered medical practitioners, registered dentists or registered veterinary surgeons of prescriptions for controlled drugs and the supply of controlled drugs on prescription,
- 20 (e) requiring persons dispensing prescriptions for controlled drugs to furnish to the Minister such information relating to those prescriptions as may be prescribed,
- 25 (f) regulating or controlling the packaging and labelling of controlled drugs and such regulations may in particular require prescribed particulars relating to controlled drugs or a prescribed statement (including a warning or caution) relating to such drugs to be printed either on the outside of any packet or container used in the sale, supply or distribution of controlled drugs or on a label attached to such packet or container,
- 30 (g) requiring that any controlled drugs which, because of their condition or for any other reason, are not intended to be used shall be destroyed or disposed of in a prescribed manner.

35 (2) Subject to *section 7* of this Act, the Minister shall exercise his power to make regulations under this section so as to secure that it is not unlawful under this Act for a qualified person,

- 40 (a) in case such person is a registered medical practitioner, registered dentist or registered veterinary surgeon, for the purpose of his profession, to prescribe, administer, manufacture, compound or supply a controlled drug,
- (b) in any other case, for the purpose of his profession or business, to manufacture, compound or supply a controlled drug,

45 provided that nothing in this subsection shall be construed as enabling the Minister to make regulations under this Act authorising a registered druggist to keep open shop for the compounding or dispensing of medical prescriptions.

6.—(1) Where a qualified person has after the commencement of this subsection been convicted of—

- 50 (a) an offence under this Act, or
- (b) an offence against the Customs Acts in relation to the importation or exportation of a controlled drug,

the Minister may give a direction under *subsection (2)* of this section in respect of that person.

55 (2) A direction under this subsection shall—

Directions prohibiting prescribing, supply etc. of controlled drugs by qualified persons convicted of offences.

(a) in case the qualified person is a registered medical practitioner, a registered dentist or a registered veterinary surgeon, be a direction prohibiting him from having in his possession, prescribing, administering, manufacturing, compounding and supplying and from authorising the administration and supply of such controlled drugs as may be specified in the direction, 5

(b) in any other case, be a direction prohibiting the qualified person from having in his possession, manufacturing, compounding and supplying and from supervising and controlling the manufacture, compounding and supply of such controlled drugs as may be specified in the direction. 10

(3) The Minister may at any time give a direction cancelling or suspending any direction given by him under subsection (2) of this section, or cancelling any direction of his under this subsection by which a direction so given is suspended. 15

(4) The Minister shall cause a copy of any direction given by him under this section to be served on the person to whom it applies and shall cause notice of any such direction to be published in the *Iris Oifigiúil*. 20

(5) A direction under this section shall take effect when a copy of it is served on the person to whom it applies. 25

(6) Any person who contravenes a direction given under this section shall be guilty of an offence.

Additional powers in relation to certain controlled drugs.

7.—(1) If in the case of any controlled drug the Minister is of the opinion that it is in the public interest— 25

(a) for the manufacture, production, preparation, sale, supply, distribution and possession of that drug to be either wholly unlawful or unlawful except for purposes of research or for other special purposes specified in an order under this section, or 30

(b) for it to be unlawful for any qualified person to do in relation to that drug any of the things mentioned in section 5 (2) of this Act except under a licence or other authority issued by the Minister, 35

he may by order designate that drug as a drug to which this subsection applies, and while there is in force an order under this section designating a controlled drug as one to which this subsection applies, section 4 (2) of this Act and the said section 5 (2) shall not apply as regards that drug. 40

(2) The Minister may by order revoke or amend any order under this section (including an order under this subsection).

Licences etc.

8.—(1) The Minister may grant licences or issue permits or authorisations for any of the purposes of this Act, attach conditions to any such licence, permit or authorisation, vary such conditions and revoke any such licence, permit or authorisation. 45

(2) The Minister may make regulations requiring the payment of prescribed fees in respect of the grant or issue under this section of a licence, permit or authorisation.

Possession of controlled drugs for unlawful sale or supply.

9.—(1) Any person who has in his possession, whether lawfully or not, a controlled drug for the purpose of selling or otherwise supplying it to another in contravention of regulations under section 5 of this Act, shall be guilty of an offence. 50

(2) In any proceedings for an offence under *subsection (1)* of this section, where it is proved that a person was in possession of a controlled drug, he shall be presumed, until the court is satisfied to the contrary, to have been in possession of the controlled drug for the purpose of selling or otherwise supplying it to another in contravention of regulations under *section 5* of this Act.

10.—(1) A person shall not—

- (a) smoke or otherwise use prepared opium,
- (b) frequent a place used for the purpose of opium smoking, or
- 10 (c) have in his possession any pipes or other utensils made or adapted for use in connection with the smoking of opium or any utensils used in connection with the preparation of opium for smoking.

Prohibition of certain activities etc. relating to opium.

(2) A person who contravenes a provision of *subsection (1)* of this section shall be guilty of an offence.

11.—(1) A person shall not cultivate opium poppy or any plant of the genus *Cannabis* except under and in accordance with a licence issued in that behalf by the Minister.

Prohibition of cultivation of opium poppy or cannabis plant.

(2) Every person who cultivates opium poppy or a plant of the genus *Cannabis* in contravention of *subsection (1)* of this section shall be guilty of an offence.

12.—(1) A person shall not forge a document purporting to be a prescription issued by a medical practitioner, dentist or veterinary surgeon (which document is in this Act referred to as a forged prescription).

Forged or fraudulently altered prescriptions.

(2) A person shall not with intent to deceive either alter or use a prescription which has been duly issued by a medical practitioner, dentist or veterinary surgeon (which document is in this Act referred to as a duly issued prescription).

(3) A person shall not have in his possession either a forged prescription or a duly issued prescription which has been altered with intent to deceive.

(4) A person who contravenes a provision of this section shall be guilty of an offence.

13.—(1) A person who is the occupier or is in control or is concerned in the management of any land, vehicle or vessel and who knowingly permits or suffers any of the following to take place on the land, vehicle or vessel, namely—

Occupiers etc. permitting certain activities to take place on land, vehicle or vessel to be guilty of an offence.

- (a) the preparation of opium for smoking,
- 40 (b) the smoking of cannabis, cannabis resin or prepared opium,
- (c) the manufacture, production or preparation of a controlled drug in contravention of regulations made under *section 5* of this Act,
- (d) the importation or exportation of a controlled drug in contravention of such regulations,
- 45 (e) the sale, supply or distribution of a controlled drug in contravention of such regulations,
- (f) any attempt so to contravene such regulations, or
- (g) the possession of a controlled drug in contravention of *Section 3* of this Act,
- 50 shall be guilty of an offence.

(2) In any proceedings for an offence under *subsection (1)* of this section, where it is proved that an activity or contravention mentioned in the said *subsection (1)* took place on particular land or on a particular vehicle or vessel and that the defendant was, at the time of the alleged offence, in control or concerned in the management of the land, vehicle or vessel, as the case may be, it shall be presumed until the court is satisfied to the contrary that the activity or contravention took place with the knowledge of the defendant. 5

Offences relating to acts outside the State.

14.—(1) Any person who aids, abets, counsels or induces the commission in a place outside the State of an offence punishable under a corresponding law in force in that place, or does any act preparatory to, or in furtherance of, any act which, if committed in the State, would be an offence under this Act, shall be guilty of an offence. 10

(2) In this section "a corresponding law" means a law stated in a certificate purporting to be issued by or on behalf of the government of a country outside the State to be a law providing for the control or regulation in that country of the manufacture, production, supply, use, exportation or importation of dangerous or otherwise harmful drugs in pursuance of any treaty, convention, protocol or other agreement between states and prepared or implemented by, or under the auspices of, the League of Nations or the United Nations Organisation and which for the time being is in force. 15 20

(3) Any statement in a certificate mentioned in *subsection (2)* of this section as to the effect of the law mentioned in the certificate or any such statement that any facts constitute an offence against the law so mentioned shall, for the purposes of any proceedings under this Act, be evidence of the matters stated. 25

Attempts etc. and miscellaneous other offences.

15.—(1) A person who attempts to commit an offence under this Act, or who aids, abets, counsels or procures the commission of an offence under this Act, or who solicits or incites any other person to commit an offence under this Act shall be guilty of an offence. 30

(2) Any person who, whether by act or omission, contravenes or fails to comply with regulations under this Act shall be guilty of an offence. 35

(3) A person who, in purported compliance with any obligation to give information to which he is subject by virtue of regulations made under this Act, gives any information which he knows to be false in a material particular or recklessly gives information which is so false shall be guilty of an offence. 40

(4) Any person who by act or omission impedes or obstructs a member of the Garda Síochána or a person duly authorised under this Act in the lawful exercise of a power conferred by this Act shall be guilty of an offence and if, in the case of a continuing offence, the impediment or obstruction is continued after conviction, he shall be guilty of a further offence. 45

(5) Any person who conceals or without reasonable excuse fails to produce any book, record or other document which he has been duly required to produce under *section 18* of this Act, shall be guilty of an offence. 50

(6) Any person who contravenes a condition attached to a licence, permit or authorisation granted or issued by the Minister under this Act shall be guilty of an offence.

(7) Any person who, for the purpose of obtaining, whether for himself or another, the grant, issue or renewal of a licence, permit or authorisation under this Act or under regulations made under this Act— 55



(a) makes any statement or gives information which he knows to be false in a material particular or recklessly gives information which is so false, or

5 (b) produces or otherwise makes use of any book, record or other document which to his knowledge contains any statement or information which he knows to be false in a material particular,

shall be guilty of an offence.

16.—(1) In any proceedings for an offence under this Act, it shall Onus of proof.  
10 not be necessary to negative by evidence the existence of any—

(a) order made under *section 2* of this Act,

(b) licence, permit or authorisation under this Act,

and the onus of proving any such licence, permit or authorisation shall be on the person seeking to avail himself thereof.

15 (2) In any proceedings for an offence under this Act it shall not be necessary for the prosecutor to prove that a defendant was not, at the time of the offence, a person to whom regulations made under *section 4* of this Act applied, and in case a defendant claims that by virtue of the said *section 4* he had lawfully in his possession a controlled drug, the onus of proving such lawful possession shall be on  
20 that defendant.

17.—(1) A member of the Garda Síochána who has reasonable grounds for suspecting either that a person is in possession in contravention of this Act of a controlled drug, a forged prescription or a  
25 duly issued prescription which has been wrongfully altered or that a person is in possession of a duly issued prescription which will be used by him to deceive, may without warrant—

Power of Garda Síochána to search persons, vehicles, vessels or aircraft.

(a) search the person and, if he considers it necessary, detain the person for the purpose of making the search,

30 (b) search any vehicle, vessel or aircraft in which he suspects that such drug or prescription may be found and for the purpose of carrying out the search may, if he thinks fit, require the person who for the time being is in control of such vehicle, vessel or aircraft either to bring it to a stop or refrain from moving it, and  
35

(c) seize and detain anything found in the course of a search under this section which appears to him to be something which might be required as evidence in proceedings for an offence under this Act.

40 (2) Nothing in this section shall operate to prejudice any power to search, seize or detain property which may be exercised by a member of the Garda Síochána apart from this section.

18.—(1) For the purpose of enforcing this Act and regulations made thereunder, a member of the Garda Síochána or a person  
45 authorised by the Minister in writing to exercise in accordance with the authorisation all or any of the powers specified in this section may at all reasonable times—

Powers of inspection, production of books or documents, and taking of samples.

50 (a) enter any building or other land used, or appearing to him to be used or intended to be used in the sale, supply, manufacture, preparation, production, storage or distribution of a controlled drug,

(b) inspect any premises appearing to him to be so used or intended to be so used,

(c) inspect any substance or article appearing to him to be a controlled drug,

(d) require any person carrying on a business which consists of or includes the manufacture, preparation, production, storage, distribution, sale or supply of a controlled drug 52  
or any person employed in connection with such a business, to produce any books, records or other documents which are in his possession or under his control and which relate to controlled drugs, and

(e) inspect, and, if he thinks fit, take copies of any entry in, any 10  
book, record or other document produced in pursuance of a requirement made under this section.

(2) A member of the Garda Síochána, or a person authorised by the Minister under *subsection (1)* of this section, who, when lawfully exercising a power conferred by this section, requires a sample of 15  
any substance appearing to him to be a controlled drug, may require either the person in possession of that substance, or a person employed by him, to supply without payment a sample of the substance and in case of a failure to comply with the requirement the person so exercising the power may take without payment a sample of such 20  
substance for test, examination or analysis.

(3) The Minister may make regulations—

(a) prescribing the certificate or other evidence to be given of 25  
the result of any test, examination or analysis of a sample referred to in *subsection (2)* of this section and the classes of person by and to whom such certificate or other evidence is to be given,

(b) providing that any certificate or other evidence prescribed 30  
under *paragraph (a)* of this subsection and given in respect of the test, examination or analysis of a sample shall, with regard to that sample, be evidence for all purposes of the result.

(4) Where regulations made under this section provide that a certificate or other evidence shall be evidence for all purposes of a result of a test, examination or analysis of samples, such certificate 35  
or other evidence shall, in relation to those samples, be accepted by a court as evidence of the result of the test, examination or analysis.

(5) The Minister when authorising a person to exercise under *subsection (1)* of this section a power specified therein may restrict the exercise by the person of that power either to a particular 40  
business or building, or to particular premises or other land, or to businesses or buildings, premises or other land of a particular class or description, and in case the exercise by a person of such power is so restricted by the Minister, the restriction shall be specified in the certificate required to be furnished to the person by *subsection (6)* of 45  
this section.

(6) Every person authorised by the Minister under *subsection (1)* of this section shall be furnished with a certificate of his authorisation, and if when claiming to exercise a power by virtue of this section any such person is required to produce the said certificate, 50  
the power shall not be exercisable by him except on production of the certificate.

Power of arrest.

19.—Where a member of the Garda Síochána is of opinion that a person has committed an offence under this Act, he may arrest the person without warrant. 55

Search warrants.

20.—(1) If a Justice of the District Court or a Peace Commissioner is satisfied by information on oath of a member of the Garda Síochána that there is reasonable ground for suspecting that—

- 5 (a) a person is in possession in contravention of this Act on any premises of a controlled drug, a forged prescription or a duly issued prescription which has been wrongfully altered and that such drug or prescription is on a particular premises, or
- 10 (b) a document directly or indirectly relating to, or connected with, a transaction or dealing which was, or an intended transaction or dealing which would if carried out be, an offence under this Act, or in the case of a transaction or dealing carried out or intended to be carried out in a place outside the State, an offence against a provision of a corresponding law within the meaning of *section 14* of this Act and in force in that place, is in the possession of a person on any premises,
- 15 such Justice or Commissioner may issue a search warrant mentioned in *subsection (2)* of this section.

(2) A search warrant issued under this section shall be expressed and operate to authorise a named member of the Garda Síochána, accompanied by such other members of the Garda Síochána as may be necessary, at any time or times within one month of the date of issue of the warrant, to enter if need be by force the premises named in the warrant, to search the premises and any persons found therein, to examine any substance or article found therein, to inspect any book, record or other document found therein and, if there is reasonable ground for suspecting that an offence is being or has been committed under this Act in relation to a substance or article found on the premises or that a document so found is a document mentioned in *subsection (1) (b)* of this section or is a record or other document which the member has cause to believe to be a document which may be required as evidence in proceedings for an offence under this Act, to seize and detain the substance, article or document, as the case may be.

21.—(1) Every person guilty of an offence under *section 3* of this Act shall be liable— Penalties.

- 35 (a) in case the relevant controlled drug is a Category I controlled drug—
- 40 (i) on summary conviction, to a fine not exceeding two hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or
- 45 (ii) on conviction on indictment, to a fine not exceeding fifteen hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding seven years, or to both the fine and the imprisonment;
- (b) in case such controlled drug is a Category II controlled drug—
- 50 (i) on summary conviction, to a fine not exceeding one hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment, or
- 55 (ii) on conviction on indictment, to a fine not exceeding one thousand pounds or, at the discretion of the court, to imprisonment for a term not exceeding five years, or to both the fine and the imprisonment; and
- (c) in case such controlled drug is a Category III controlled drug—
- (i) on summary conviction, to a fine not exceeding one hundred pounds or, at the discretion of the court,

- to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment, or
- (ii) on conviction on indictment, to a fine not exceeding five hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding two years, 5 or to both the fine and the imprisonment.

(2) Every person guilty of an offence under *section 6* of this Act shall be liable—

(a) in case the relevant controlled drug is a Category I controlled drug or a Category II controlled drug— 10

(i) on summary conviction, to a fine not exceeding two hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or 15

(ii) on conviction on indictment, to a fine not exceeding three thousand pounds or, at the discretion of the court, to imprisonment for a term not exceeding fourteen years, or to both the fine and the imprisonment; and 20

(b) in case such controlled drug is a Category III controlled drug—

(i) on summary conviction, to a fine not exceeding one hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment, or 25

(ii) on conviction on indictment, to a fine not exceeding one thousand pounds or, at the discretion of the court, to imprisonment for a term not exceeding five years, or to both the fine and the imprisonment. 30

(3) Every person guilty of an offence under *section 9* of this Act shall be liable—

(a) in case the relevant controlled drug is a Category I controlled drug or a Category II controlled drug—

(i) on summary conviction, to a fine not exceeding two hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or 35

(ii) on conviction on indictment, to a fine not exceeding three thousand pounds or, at the discretion of the court, to imprisonment for a term not exceeding fourteen years, or to both the fine and the imprisonment; and 40

(b) in case such controlled drug is a Category III controlled drug— 45

(i) on summary conviction, to a fine not exceeding one hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment, or 50

(ii) on conviction on indictment, to a fine not exceeding one thousand pounds or, at the discretion of the court, to imprisonment for a term not exceeding five years, or to both the fine and the imprisonment.

(4) Every person guilty of an offence under *section 10* or *section 11* of this Act shall be liable—

(a) on summary conviction, to a fine not exceeding two hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or

5 (b) on conviction on indictment, to a fine not exceeding three thousand pounds or, at the discretion of the court, to imprisonment for a term not exceeding fourteen years, or to both the fine and the imprisonment.

(5) Every person guilty of an offence under *section 12* of this Act shall be liable—

(a) on summary conviction, to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment, or

15 (b) on conviction on indictment, to a fine not exceeding seven hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding three years, or to both the fine and the imprisonment.

(6) Every person guilty of an offence under *section 13* of this Act shall be liable—

(a) in case the relevant controlled drug is a Category I controlled drug or a Category II controlled drug—

25 (i) on summary conviction, to a fine not exceeding two hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or

30 (ii) on conviction on indictment, to a fine not exceeding three thousand pounds or, at the discretion of the court, to imprisonment for a term not exceeding fourteen years, or to both the fine and the imprisonment; and

(b) in case such controlled drug is a Category III controlled drug—

35 (i) on summary conviction, to a fine not exceeding one hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment, or

40 (ii) on conviction on indictment, to a fine not exceeding one thousand pounds or, at the discretion of the court, to imprisonment for a term not exceeding five years, or to both the fine and the imprisonment.

(7) Every person guilty of an offence under *section 14* of this Act shall be liable—

45 (a) on summary conviction, to a fine not exceeding two hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or

50 (b) on conviction on indictment, to a fine not exceeding three thousand pounds or, at the discretion of the court, to imprisonment for a term not exceeding fourteen years, or to both the fine and the imprisonment.

(8) Every person guilty of an offence under *section 15 (1)* of this Act shall be liable to be punished on summary conviction as if he were guilty of the substantive offence and in case a penalty on conviction on indictment is provided by this Act in relation to the substantive offence, he shall be liable to be proceeded against on indict-

ment and if convicted punished as if he were convicted on indictment of the substantive offence.

(9) Every person guilty of an offence under *section 15 (2)* of this Act shall be liable—

(a) in case the regulation in relation to which the offence was committed is a regulation made pursuant to *section 5 (1) (a)* of this Act, other than a regulation regulating the transportation of controlled drugs, and the relevant controlled drug is a Category I controlled drug or a Category II controlled drug—

(i) on summary conviction, to a fine not exceeding two hundred and fifty pounds or, at the discretion of the court, to imprisonment for a term not exceeding twelve months, or to both the fine and the imprisonment, or

(ii) on conviction on indictment, to a fine not exceeding three thousand pounds or, at the discretion of the court, to imprisonment for a term not exceeding fourteen years, or to both the fine and the imprisonment;

(b) in case the regulation in relation to which the offence was committed is a regulation described in *paragraph (a)* of this subsection and the relevant controlled drug is a Category III controlled drug—

(i) on summary conviction, to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment, or

(ii) on conviction on indictment, to a fine not exceeding one thousand pounds or, at the discretion of the court, to imprisonment for a term not exceeding five years, or to both the fine and the imprisonment;

(c) in case the regulation in relation to which the offence was committed is a regulation made other than under the said *section 5 (1) (a)* or is a regulation regulating the transportation of controlled drugs—

(i) on summary conviction, to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment, or

(ii) on conviction on indictment, to a fine not exceeding five hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding two years, or to both the fine and the imprisonment.

(10) Every person guilty of an offence under *section 15* of this Act, other than an offence mentioned in *subsection (1)* or *subsection (2)* of that section, shall be liable on summary conviction to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for a term not exceeding six months, or to both the fine and the imprisonment.

(11) In this section—

“relevant controlled drug” means the controlled drug in relation to which the offence was committed;

“substantive offence” means the offence under this Act to which the attempt or, as the case may be, the aiding, abetting, counselling, procuring, soliciting or incitement was directed.

Defences generally.

22.—(1) In any proceedings for an offence under this Act in which it is proved that the defendant had in his possession a controlled drug, the defendant shall not be acquitted of the offence charged by

reason only of proving that he neither knew nor suspected nor had reason to suspect that the substance, product or preparation in question was the particular controlled drug alleged.

5 (2) In any such proceedings in which it is proved that the defendant had in his possession a controlled drug, or a forged prescription, or a duly issued prescription altered with intent to deceive, it shall be a defence to prove that—

(a) he did not know and had no reasonable grounds for suspecting—

10 (i) that what he had in his possession was a controlled drug or such a prescription, as may be appropriate, or

(ii) that he was in possession of a controlled drug or such a prescription, as may be appropriate, or

15 (b) he believed the substance, product or preparation to be a controlled drug, or a controlled drug of a particular class or description, and that, if the substance, product or preparation had in fact been that controlled drug or a controlled drug of that class or description, he would not at the material time have been committing an offence under this Act, or

20 (c) knowing or suspecting it to be such a drug or prescription, he took or retained possession of it for the purpose of—

25 (i) preventing another from committing or continuing to commit an offence in relation to the drug or document, as may be appropriate, or

(ii) delivering it into the custody of a person lawfully entitled to take custody of it,

30 and that as soon as practicable he took all such steps as were reasonably open to him to destroy the drug or document or to deliver it into the custody of such a person.

(3) In any proceedings for an offence under *section 9* of this Act a defendant may rebut the presumption raised by *subsection (2)* of that section by showing that at the time of the alleged offence he was by virtue of regulations made under *section 4* of this Act lawfully in possession of the controlled drug to which the proceedings relate.

40 (4) In any proceedings for an offence under *section 13* of this Act it shall be a defence to show that the defendant took steps to prevent the occurrence or continuance of the activity or contravention to which the alleged offence relates and that, in the particular circumstances, the steps were taken as soon as practicable and were reasonable.

(5) In any proceedings for an attempt to commit an offence under this Act the defences mentioned in *subsection (2)* of this section shall, with the necessary modifications, be open to the defendant.

45 (6) Subject to *subsection (1)* of this section nothing in this section shall prevent a person raising a defence which, apart from this section, would be open to him to raise in proceedings for an offence under this Act.

50 **23.—(1)** Subject to *subsection (2)* of this section, a court by which a person is convicted of an offence under this Act may order anything shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court thinks fit. Forfeiture.

55 (2) A court shall not order anything to be forfeited under this section if a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

Offences in relation to bodies corporate.

24.—Where an offence under this Act is committed by a body corporate or by a person purporting to act on behalf of a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other official of such body, such person shall also be guilty of the offence.

Poisons for purposes of Pharmacy Acts, 1875 to 1962.

25.—(1) The Minister may make regulations declaring substances to be poisons for the purposes of the Pharmacy Acts, 1875 to 1962, and references in those Acts to poisons shall be construed as references to substances which are the subject of such declarations. 10

(2) Regulations under this section may provide that a substance with which a declaration in the regulations is concerned shall in prescribed circumstances be regarded as not being the subject of the declaration.

Amendment of Poisons Act, 1961. 1961, No. 12.

26.—(1) The Poisons Act, 1961, shall be amended as follows : 15

(a) section 14 (2) is hereby amended by the insertion of “, disposal ” after “ sale ” in paragraph (b) ;

(b) section 14 (3) is hereby amended by—

(i) the insertion of “ or supply ” after “ sale ” in both paragraph (a) and paragraph (b), 20

(ii) the substitution of “, supplying or offering or keeping for sale or supply poisons and of premises in which poisons are sold, supplied or offered or kept for sale or supply ” for “ or offering or keeping for sale poisons and of premises in which poisons are sold or offered or kept for sale ” in paragraph (e), 25

(iii) the addition of the following to paragraph (j)—

“ and for those purposes—

(v) enable any such officer (with, in the case of an officer of the Minister or the Minister for Agriculture and Fisheries, a written authorisation of whichever of those Ministers is appropriate, in the case of an officer of the Pharmaceutical Society of Ireland, a written authorisation of that Society, and in the case of an officer of a health board, a written authorisation of the board), at all reasonable times to enter land and inspect premises and inspect or examine any substance or article appearing to him to be a poison or to contain a poison and require the production of and inspect, and if he thinks fit take copies of any entry in any book, record or other document which the officer believes relates to any poison or any such substance, 30 35 40

(vi) provide for the taking (without payment) by such officers, with such authorisation, of samples of poisons or such substances for test, examination or analysis, 45

(vii) prescribe the certificate or other evidence to be given of the result of any such test, examination or analysis and the classes of person by whom and to whom such certificate or evidence is to be given, and 50

(viii) provide that any certificate or other evidence specified under subparagraph (vii) of this paragraph and given in respect of the test, examination or analysis of a sample shall with regard to that sample be evidence for all purposes of the result.”; 55



(c) section 15 (2) (c) is hereby amended by the addition of—

“ for those purposes may—

- 5 (i) enable any such officer, with a written authorisation of that Minister, at all reasonable times to enter lands and inspect premises and inspect or examine any substance or article appearing to him to be a poison or to contain a poison and inspect, and if he thinks fit take copies of any entry in, any book, record or other document which the officer believes relates to
- 10 (ii) provide for the taking (without payment) by such officers, with such authorisation, of samples of poisons or such substances for test, examination or analysis,
- 15 (iii) prescribe the certificate or other evidence to be given of the result of any such test, examination or analysis and the classes of person by whom such certificate or evidence is to be given,
- 20 (iv) provide that any certificate or other evidence prescribed under subparagraph (iii) of this paragraph and given in respect of the test, examination or analysis of a sample shall with regard to that sample be evidence for all purposes of the result, and ”; and

(d) the following new section is hereby inserted after section 15:

- 25 “Evidence of result of certain tests, examinations or analyses. 15A.—Whenever regulations made under this Act provide that a certificate or other evidence is to be evidence for all purposes of a result of a test, examination or analysis of a sample, such certificate or other evidence shall, in relation to that sample, be accepted by a court as evidence of the result of the test, examination or analysis.”
- 30

(2) Regulations under section 14 or section 15 of the Poisons Act, 1961, may provide that a substance which is declared to be a poison for the purposes of those regulations or a provision thereof, shall, for the purposes of whichever of the said sections is appropriate and the regulations or provision to which the declaration relates, be regarded in circumstances specified in the regulations as not being the subject of the declaration.

35

27.—(1) Where a notice or other document is required or authorised by this Act or by regulations under this Act to be served on or given or sent to a person, it may be served on or given or sent to him—

Service etc. of notices.

- (a) by delivering it to him,
- 45 (b) in the case of a person other than a body corporate, by sending it by post in an envelope addressed to him at the address at which he ordinarily resides or carries on business, or
- (c) in the case of a body corporate, by sending it by post in an envelope addressed to the secretary or principal officer of the body at the address at which the body carries on business.
- 50

(2) For the purposes of *subsection (1)* of this section, a company registered under the Companies Act, 1963, shall be deemed to carry on business at its registered offices and every other body corporate and every unincorporated body of persons shall be deemed to carry on business at its principal office or place of business.

55

1963, No. 33.

Regulations generally; laying of orders made by Minister.

28.—(1) The Minister may make regulations for prescribing any matter referred to in this Act as prescribed, provided that in so far as any such regulations provide for the charging of fees they shall only be made with the consent of the Minister for Finance.

(2) Regulations under this Act (other than regulations under section 25 hereof) may apply to controlled drugs generally, to controlled drugs of a prescribed class or description, or to one or more prescribed controlled drugs.

(3) Every regulation made under this Act and every order made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation or order is passed by either such House within the next twenty-one days on which that House has sat after the regulation or order is laid before it, the regulation or order, as the case may be, shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Expenses.

29.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Collection and disposal of moneys payable under Act.

30.—(1) All moneys payable under regulations under this Act shall be collected and taken in such manner as the Minister for Finance may from time to time direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

1879, c. 58.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of moneys mentioned in subsection (1) of this section and payable to the Minister.

Repeal of Dangerous Drugs Act, 1934, and transitional provision.

1934, No. 1.

31.—(1) The Dangerous Drugs Act, 1934, is hereby repealed.

(2) In case a provision of this Act, other than subsection (1) of this section, comes into force on a day which is earlier than the day on which the said subsection (1) comes into force, the following provisions shall have effect, namely, as regards the period beginning on the day on which the first-mentioned provision comes into force and ending on the day on which the said subsection (1) comes into force, an act or omission which is an offence under this Act shall not be an offence under the Dangerous Drugs Act, 1934.

Miscellaneous repeals and transitional provisions.

1970, No. 1.

32.—(1) The following are hereby repealed :

(a) " pharmaceutical preparations containing " in section 14 (2) (c) and " particular pharmaceutical preparations containing " and " pharmaceutical preparations containing " in section 14 (3) (d) of the Poisons Act, 1961; and

(b) section 78 of the Health Act, 1970.

(2) Notwithstanding subsection (1) of this section, the Minister may by regulations provide—

(a) that a register specified in the regulations and kept by him under regulations made under section 78 of the Health Act, 1970, shall be included in and shall be deemed to be part of a register to be kept by him for the purposes of regulations under this Act, or

5 (b) that any person, being a person whose name was, immediately before the commencement of this section, on a register specified in the regulations and kept by the Minister under the said section 78, shall be deemed to have been granted, issued or given, as may be appropriate, such licence, permit or other form of authority under this Act as may be specified in the regulations.

10 (3) Notwithstanding section 31 (1) of this Act, the Minister may by regulations provide that any person who was, immediately before the commencement of this section, the holder of a licence, permit or other authority granted, issued or given under the Dangerous Drugs Act, 1934, shall be deemed to have been granted, issued or given, as may be appropriate, such licence, permit or other form of authority under this Act as may be specified in the regulations.

15 (4) Regulations made under this section which include provisions mentioned in paragraph (b) of subsection (2) or in subsection (3) of this section may also include—

20 (a) provisions deeming any such licence, permit or other form of authority to have been granted, issued or given subject to conditions specified in the regulations, and

(b) provisions enabling the Minister in specified circumstances to direct that provisions of regulations under this section shall cease to apply in relation to a particular person.

25 (5) Where the Minister duly gives a direction referred to in subsection (4) (b) of this section, the provisions specified in the direction shall in accordance with the direction cease to apply in relation to the person to whom the direction relates.

33.—(1) This Act may be cited as the Misuse of Drugs Act, 1973.

Short title,  
commencement  
and collective  
citations.

30 (2) Subsection (1) of this section and section 31 (2) of this Act shall come into operation on the passing hereof and the other purposes and provisions of this Act shall come into operation on such day or days as may be fixed therefor by any order or orders of the Minister, either generally or with reference to any particular such purpose or provision and different days may be so fixed for different  
35 such purposes and different such provisions of this Act.

(3) The Pharmacy Acts, 1875 to 1962, and section 25 of this Act may be cited together as the Pharmacy Acts, 1875 to 1973.

40 (4) The Health Acts, 1947 to 1970, and section 32 of this Act, in so far as it amends the Health Act, 1970, may be cited together as the Health Acts, 1947 to 1973.

(5) The Poisons Act, 1961, section 26 of this Act, and section 32 of this Act in so far as it amends that Act, may be cited together as the Poisons Acts, 1961 and 1973.

## SCHEDULE

## CONTROLLED DRUGS

## PART I

*Category I Controlled Drugs*

1. Acetorphine.
- Allylprodine.
- Alphacetylmethadol.
- Alphameprodine.
- Alphamethadol.
- Alphaprodine.
- Anileridine.
- Benzethidine.
- Benzylmorphine (3-benzylmorphine).
- Betacetylmethadol.
- Betameprodine.
- Betamethadol.
- Betaprodine.
- Bezitramide.
- Bufotenine.
- Cannabinol, except where contained in cannabis or cannabis resin.
- Cannabinol derivatives.
- Clonitazene.
- Coca leaf.
- Cocaine.
- Desomorphine.
- Dextromoramide.
- Diamorphine.
- Diampromide.
- Diethylthiambutene.
- Dihydrocodeinone O-carboxymethyloxime.
- Dihydromorphine.
- Dimenoxadole.
- Dimpheptanol.
- Dimethylthiambutene.
- Dioxaphetyl butyrate.
- Diphenoxylate.
- Dipipanone.
- Ecgonine, and any derivative of ecgonine which is convertible to ecgonine or to cocaine.
- Ethylmethylthiambutene.
- Etonitazene.
- Etorphine.
- Etoxadine.
- Fentanyl.
- Furethidine.
- Hydrocodone.
- Hydromorphinol.
- Hydromorphone.
- Hydroxypethidine.
- Isomethadone.
- Ketobemidone.
- Levomethorphan.
- Levomoramide.
- Levophenacymorphan.
- Levorphanol.
- Lysergamide.
- Lysergide and other N-alkyl derivatives of lysergamide.
- Mescaline.
- Metazocine.
- Methadone.
- Methadyl acetate.
- Methyldesorphine.
- Methyldihydromorphine (6-methyldihydromorphine).
- Metopon.
- Morpheridine.
- Morphine.
- Morphine methobromide, morphine N-oxide and other pentavalent nitrogen morphine derivatives.

SCHEDULE—(contd.)

Myrophine.  
 Nicodicodine (6-nicotinoyldihydrocodeine).  
 Nicomorphine.  
 Noracymethadol.  
 Norlevorphanol.  
 Normethadone.  
 Normorphine.  
 Norpipanone.  
 Opium, whether raw, prepared or medicinal.  
 Oxycodone.  
 Oxymorphone.  
 Pethidine.  
 Phenadoxone.  
 Phenampromide.  
 Phenazocine.  
 Phenomorphan.  
 Phenoperidine.  
 Piminodine.  
 Piritramide.  
 Poppy straw and concentrate of poppy straw.  
 Proheptazine.  
 Properidine.  
 Psilocin.  
 Racemethorphan.  
 Racemoramide.  
 Racemorphan.  
 Thebacon.  
 Thebaine.  
 Trimeperidine.  
 4-Cyano-2-dimethylamino-4,  
 4-diphenylbutane.  
 4-Cyano-1-methyl-4-phenylpiperidine.  
 N,N-Diethyltryptamine.  
 N,N-Dimethyltryptamine.  
 2,5-Dimethoxy- $\alpha$ , 4-dimethyl-phenethylamine.  
 1-Methyl-4-phenylpiperidine-4-carboxylic acid.  
 2-Methyl-3-morpholino-1,  
 1-diphenylpropanecarboxylic acid.  
 4-Phenylpiperidine-4-carboxylic acid ethyl ester.

2. Any stereoisomeric form of a substance or product specified in paragraph 1 of this Schedule not being dextromethorphan or dextrorphan.
3. Any ester or ether of a substance or product specified in paragraph 1 or 2 of this Schedule not being a substance or product specified in paragraph 7, 8, 9, 10, 11, 12, 13 or 14 of this Schedule.
4. Any salt of a substance or product specified in paragraph 1, 2 or 3 of this Schedule.
5. Any preparation containing any proportion of a substance specified in paragraph 1, 2, 3 or 4 of this Schedule.
6. Any preparation designed for administration by injection containing any proportion of a substance or product specified in paragraph 7, 8 or 9 of this Schedule.

PART II

*Category II Controlled Drugs*

7. Acetyldihydrocodeine.  
 Amphetamine.  
 Cannabis and cannabis resin.  
 Codeine.  
 Dexamphetamine.

SCHEDULE—(contd.)

- Dihydrocodeine.  
Ethylmorphine (3-ethylmorphine).  
Methylamphetamine.  
Methylphenidate.  
Nicocodeine.  
Norcodeine.  
Phenmetrazine.  
Pholcodine.  
Propiram.
8. Any stereoisomeric form of a substance or product specified in paragraph 7 of this Schedule.
9. Any salt of a substance or product specified in paragraph 7 or 8 of this Schedule.
10. Any preparation containing any proportion of a substance or product specified in paragraph 7, 8 or 9 of this Schedule not being a preparation described in paragraph 6 of this Schedule.

PART III

*Category III Controlled Drugs*

11. Amylobarbitone.  
Benzphetamine.  
Chlorphentermine.  
Glutethimide.  
Mephentermine.  
Methaqualone.  
Pentobarbitone.  
Phendimetrazine.  
Phenobarbitone.  
Pipradrol.  
Quinalbarbitone.
12. Any stereoisomeric form of a substance or product specified in paragraph 11 of this Schedule.
13. Any salt of a substance or product specified in paragraph 11 or 12 of this Schedule.
14. Any preparation containing any proportion of a substance or product specified in paragraph 11, 12 or 13 of this Schedule.

PART IV

*Definitions*

15. In this Schedule—
- “cannabinol derivatives” means the following substances, except where contained in cannabis or cannabis resin, namely, tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives;
- “coca leaf” means the leaf of any plant of the genus *Erythroxylon* from whose leaves cocaine can be extracted either directly or by chemical transformation;
- “concentrate of poppy straw” means the material produced when poppy straw has entered into a process for the concentration of its alkaloids;

“medicinal opium” means raw opium which has undergone the process necessary to adapt it for medicinal use in accordance with the requirements of the Irish Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances;

“poppy straw” means all parts, except the seeds, of the opium poppy, after mowing;

“raw opium” includes powdered or granulated opium but does not include medicinal opium.

BILL

THE... ACT... 1970...  
Enacted by the Oireachtas as follows:—  
SECTION 1. Short title and commencement.  
This Act may be cited as the... Act, 1970, and shall come into operation on the 1st day of January 1971.  
SECTION 2. Interpretation.  
In this Act—  
“medicinal opium” means raw opium which has undergone the process necessary to adapt it for medicinal use in accordance with the requirements of the Irish Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances;  
“poppy straw” means all parts, except the seeds, of the opium poppy, after mowing;  
“raw opium” includes powdered or granulated opium but does not include medicinal opium.  
SECTION 3. Prohibition of sale of raw opium.  
It shall be an offence for any person to sell or supply raw opium for human consumption.  
SECTION 4. Prohibition of sale of medicinal opium.  
It shall be an offence for any person to sell or supply medicinal opium for human consumption.  
SECTION 5. Prohibition of sale of poppy straw.  
It shall be an offence for any person to sell or supply poppy straw for human consumption.  
SECTION 6. Penalties.  
A person guilty of an offence under this Act shall be liable to a fine not exceeding... or to imprisonment not exceeding... or to both such fine and imprisonment.  
SECTION 7. Application of Act.  
This Act shall apply to the Republic of Ireland.  
SECTION 8. Commencement.  
This Act shall come into operation on the 1st day of January 1971.  
SECTION 9. Citation.  
This Act may be cited as the... Act, 1970.

**BILLE**

*(mar a tugadh isteach)*

*dá ngairtear*

Acht do chur cosc le mí-úsáid drugaí áirithe atá contúirteach nó atá díobhálach ar bhealaí eile, dá chumasú don Aire Sláinte chuige sin rialacháin áirithe a dhéanamh maidir leis na drugaí sin, dá chumasú don Aire sin rialacháin áirithe a dhéanamh chun críocha na nAchtanna Cógaisíochta, 1875 go 1962, do leasú Acht na Nimheanna, 1961, d'aisghairm Acht na nDruganna Dainséaracha, 1934, agus Alt 78 den Acht Sláinte, 1970, agus do dhéanamh forálacha áirithe eile maidir leis na nithe réamhráite.

*An tAire Sláinte a thug isteach*

*Ordaíodh ag Dáil Éireann a chlóbhualadh,  
12 Iúil, 1972*

**BAILE ÁTHA CLIATH:**  
**ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR**

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais An Stuara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

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**BILL**

*(as introduced)*

*entitled*

An Act to prevent the misuse of certain dangerous or otherwise harmful drugs, to enable the Minister for Health to make for that purpose certain regulations in relation to such drugs, to enable that Minister to make certain regulations for the purposes of the Pharmacy Acts, 1875 to 1962, to amend the Poisons Act, 1961, to repeal the Dangerous Drugs Act, 1934, and Section 78 of the Health Act, 1970, and to make certain other provisions in relation to the foregoing.

*Introduced by the Minister for Health*

*Ordered by Dáil Éireann to be printed,  
12th July, 1972*

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