

법령, 판례 등 모든 법령정보를 한 번에 검색 OK !

NARCOTICS CONTROL ACT

식품의약품안전처(마약정책과) 043-719-2805



법제처 국가법령정보센터

www.law.go.kr

2019. 10. 30.

NARCOTICS CONTROL ACT

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to contribute to improving the health of the general public by placing narcotic drugs, psychotropic drugs, marijuana, or other basic substances for such narcotics under appropriate control and handling, thus preventing the harm and danger to the public health that may arise from the misuse or abuse thereof.

Article 2 (Definitions) The terms used in this Act shall be defined as follows:

1. The term "narcotics" means narcotic drugs, psychotropic drugs, and marijuana;
2. The term "narcotic drugs" means any of the following substances:
 - (a) Poppy: The plant of the species *Papaver Somniferum* L., *Papaver Setigerum* DC., or *Papaver bracteatum* of *Papaveraceae*;
 - (b) Opium: The coagulated sap extracted from poppy and its processed substance: Provided, That this shall exclude the substances processed into pharmaceutical products;
 - (c) Coca leaves: The leaves of coca shrub (referring to all plants of the species *Erythroxylon*): Provided, That this shall not apply to the coca leaves from which ecgonine, cocaine, and ecgonine alkaloids have been entirely removed;
 - (d) All alkaloids extracted from poppy, opium, or coca leaves and chemical compounds similar thereto, as determined by Presidential Decree;
 - (e) Chemical compounds which are not specified in items (a) through (d) but are equally likely to be abused or to cause harmful effects, as determined by Presidential Decree;
 - (f) A mixture or concoction that contains substances as listed in items (a) through (e): Provided, That this shall exclude a mixture or concoction that cannot be re-manufactured or re-prepared as any of the drugs or substances listed in items (a) through (e) because it has been blended with other pharmaceuticals or substances and that does not cause any physical or psychological dependence, which is prescribed by Ordinance of the Prime Minister (hereinafter referred to as "ultra-narcotic drugs");
3. The term "psychotropic drug" means a drug that may affect the human central nervous system, thus deemed, if misused or abused, to cause serious harm and danger to human body, and that falls under any of the following items and shall be determined by Presidential Decree:
 - (a) A drug or a substance containing such a drug which has a high potential for misuse or abuse and currently has no accepted medical use in treatment, any misuse or abuse of which may lead to severe physical or psychological dependence due to lack of safety;
 - (b) A drug or a substance containing such a drug which has a high potential for misuse or abuse and has a very limited medical use in treatment, any misuse or abuse of which may lead to severe physical or psychological dependence;
 - (c) A drug or a substance containing such a drug which has relatively lower potential for misuse or abuse than those listed in items (a) and (b) and currently has an accepted medical use in medical treatment, any misuse or abuse of which may lead to mild physical or severe psychological dependence;
 - (d) A drug or a substance containing such a drug which has relatively lower potential for misuse or abuse than the drug or substance listed in item (c) and currently has an accepted medical use in treatment, any misuse or abuse of which may lead to milder physical or psychological dependence than the drug or substance listed in item (c);
 - (e) A mixture or concoction that contains drugs or substances listed in items (a) through (d):

Provided, That this shall exclude a mixture or concoction that cannot be re-manufactured or re-prepared as any of the drugs or substances listed in items (a) through (d) because it has been blended with other pharmaceuticals or substances and that does not cause any physical or psychological dependence, which is prescribed by Ordinance of the Prime Minister;

4. The term "marijuana" means any of the following substances: Provided, That this shall exclude the seeds and roots of the hemp plant (referring to Cannabis sativa L.; hereinafter the same shall apply), the mature stalks of such plant, and the products manufactured using them:
 - (a) The hemp plant and the resin extracted therefrom;
 - (b) All the products manufactured using the hemp plant or its resin as their raw materials;
 - (c) Chemical compounds, similar to those specified in item (a) or item (b), which shall be determined by Presidential Decree;
 - (d) A mixture or concoction that contains substances specified in items (a) through (c);
5. The term "person handling narcotics" means a person who falls under any of the following items (a) through (g) and has been permitted or designated under this Act, and also a person who falls under any of the following items (h) and (i):
 - (a) An exporter and importer of narcotics: Referring to a person who is in the business of export and import of narcotic drugs or psychotropic drugs;
 - (b) A manufacturer of narcotics: Referring to a person who is in the business of manufacturing narcotic drugs or psychotropic drugs (including preparations and subdivisions thereof; hereinafter the same shall apply);
 - (c) A user of raw materials of narcotics: Referring to a person who uses narcotic drugs or psychotropic drugs as raw materials in manufacturing ultra-narcotic drugs or pharmaceuticals;
 - (d) A cultivator of the hemp plant: Referring to a person who cultivates the hemp plant for the purpose of collecting fibers or seeds therefrom;
 - (e) A wholesaler of narcotics: Referring to a person who is in the business of sale of narcotic drugs or psychotropic drugs to the retailers of narcotics, medical practitioners handling narcotics, managers of narcotics, or academic researchers handling narcotics;
 - (f) A manager of narcotics: Referring to a pharmacist working for a medical institution under the Medical Service Act (hereinafter referred to as "medical institution") who is responsible for preparing, giving or receiving, and controlling of narcotic drugs or psychotropic drugs that are administered, or provided for administration, to the patients at the medical institution;
 - (g) An academic researcher handling narcotics: Referring to a person who uses narcotic drugs or psychotropic drugs, cultivates the hemp plants, or imports and uses marijuana for the purposes of academic research;
 - (h) A retailer of narcotics: Referring to a person who is, as a manager of a drug store registered and opened under the Pharmaceutical Affairs Act, in the business of sale of narcotic drugs or psychotropic drugs prepared according to prescriptions issued by a medical practitioner handling narcotics;
 - (i) A medical practitioner handling narcotics: Referring to a person who is, for the purpose of medical treatment or animal care, obliged to administer narcotic drugs or psychotropic drugs, provide them for administration, or issue prescriptions therefor, as a physician, dentist, or oriental medical doctor working for a medical institution in the service of medical treatment, or as a veterinarian engaged in the care of animals under the Veterinarians Act;
6. The term "basic substances for narcotics" means a substance, which is not of narcotics, used for the manufacture of narcotic drugs or psychotropic drugs, which are prescribed by Presidential Decree;

7. The term "person handling basic substances for narcotics" means a person who is engaged in the manufacture, export and import, or trade of basic substances for narcotics or otherwise uses such basic substance;
8. The term "narcotics for military use" means the narcotics that are managed by the Ministry of Defense, the agencies under its direct control, and by the Army, Navy, and Air Force;
9. The term "treatment and protection" means hospital treatment and outpatient treatment for the rehabilitation of a narcotic addict as a healthy member of society by helping the addict to overcome his/her psychological and physical dependence on narcotics and preventing a relapse.

Article 2-2 (Responsibilities of the State, etc.) (1) The State and local governments shall take necessary measures such as research, investigation, etc. for the purposes of preventing the citizens from abusing narcotics and facilitating the treatment and protection of narcotic addicts, and their return to society.
(2) All citizens shall be aware that a narcotic addict is the subject to treatment, and shall cooperate in helping such addict to become a healthy member of society.

Article 2-3 (Narcotics Eradication Day) (1) June 26 of each year shall be designated as Narcotics Eradication Day to enhance the social awareness of the narcotics misuse and abuse and prevent crimes related to narcotics.
(2) The State and local governments may conduct the events, and education and campaign projects, which are consistent with the purport of the Narcotics Eradication Day.
(3) Matters necessary for the events, and education and campaign projects for the Narcotics Eradication Day under paragraph (2) shall be prescribed by Presidential Decree.

Article 3 (General Prohibition of Acts) No person shall engage in any of the following acts:

1. Use of narcotics that is not allowed under this Act;
2. Cultivation of plants that are used as raw material for narcotic drugs, or carrying, possessing, managing, exporting, importing, giving or receiving of, trading, or assisting in the trade of any raw materials, seeds, or seedlings that contain narcotic ingredients of such plants, or extracting narcotic ingredients therefrom: Provided, That the same shall not apply where approval has been obtained from the Minister of Food and Drug Safety as prescribed by Presidential Decree;
3. Carrying, possessing, managing, importing, manufacturing, trading, assisting in trade of, giving or receiving, transporting, using, administering, or providing for administration, the heroin, its salts, or other substances containing such salts: Provided, That the same shall not apply where approval has been obtained from the Minister of Food and Drug Safety as prescribed by Presidential Decree;
4. Manufacturing, exporting, importing, trading, assisting in trade of, giving or receiving, carrying, possessing, or using, basic substances for narcotics in an attempt to manufacture narcotic drugs or psychotropic drugs: Provided, That the same shall not apply where approval has been obtained from the Minister of Food and Drug Safety as prescribed by Presidential Decree;
5. Carrying, possessing, using, managing, exporting, importing, manufacturing, trading, assisting in trade of, or giving or receiving, psychotropic drugs referred to in subparagraph 3 (a) of Article 2 or psychotropic drugs containing such: Provided, That the same shall not apply where approval has been obtained from the Minister of Food and Drug Safety as prescribed by Presidential Decree;
6. Extracting psychotropic ingredients from plants or mushrooms that are used as raw materials for psychotropic drugs referred to in subparagraph 3 (a) of Article 2, acts of exporting, importing, trading, assisting in trade of, giving or receiving, or smoking or taking in such plants

- or mushrooms, or possessing or owning these plants or mushrooms for the purpose of smoking or intake: Provided, That the same shall not apply where approval has been obtained from the Minister of Food and Drug Safety as prescribed by Presidential Decree;
7. Exporting, importing, manufacturing, trading, or arranging the trade of marijuana: Provided, That the same shall not apply where a public official handling narcotics for public duties or an academic researcher handling narcotics has obtained approval from the Minister of Food and Drug Safety as prescribed by Presidential Decree;
 8. and 9. Deleted;
 10. Any of the following acts:
 - (a) Smoking or taking in marijuana or marijuana seed coats;
 - (b) Carrying marijuana, its seeds, or its seed coats for the purpose of any act set forth in item (a);
 - (c) Trading marijuana seeds or marijuana seed coats or providing assistance in the trade thereof, with the knowledge of an intent to commit any act set forth in item (a) or (b);
 11. Providing other person with places, facilities, equipment, funds, or means of transportation for any act prohibited under Article 4 (1) or subparagraphs 1 through 10 of this Article;
 12. Extensively propagating to other persons any information on the acts prohibited by any of the following items in a manner prescribed in subparagraph 2 of Article 2 of the Act on Fair Labeling and Advertising:
 - (a) Any of subparagraphs 1 through 11;
 - (b) Article 4 (1) or (3);
 - (c) Article 5 (1) or (2);
 - (d) Article 5-2 (4).

Article 4 (Prohibition of Handling Narcotics by Any Person Other than Persons Handling Narcotics) (1) No person other than a person handling narcotics shall engage in any of the following acts:

1. Possessing, owning, using, transporting, controlling, importing, exporting, manufacturing, preparing, administering, giving or receiving, trading, assisting in trade of, or delivering narcotic drugs or psychotropic drugs;
 2. Cultivating, possessing, owning, giving or receiving, transporting, storing, or using marijuana;
 3. Issuing prescriptions for narcotic drugs or psychotropic drugs;
 4. Manufacturing ultra-narcotic drugs.
- (2) Notwithstanding Paragraph (1), a person who is not a person handling narcotics may handle narcotics in any of the following cases:
1. Where a person possesses narcotic drugs or psychotropic drugs administered by a medical practitioner handling narcotics in accordance with this Act;
 2. Where a person possesses the narcotic drugs or psychotropic drugs purchased from, or transferred by, a retailer of narcotics in accordance with this Act;
 3. Where a person transports, stores, possesses, or manages narcotics on behalf of a person handling narcotics under this Act;
 4. Where a public official manages narcotics that are seized, collected, or confiscated in the process of performing public duties;
 5. Where a person who is disqualified from handling narcotics possesses narcotics before they are transferred to a person handling narcotics under Article 13;
 6. Other cases where approval has been obtained from the Minister of Food and Drug Safety as determined by Ordinance of the Prime Minister.
- (3) A person handling narcotics shall not handle narcotics without being subject to this Act: Provided, That this shall not apply where approval has been obtained from the Minister of Food and Drug Safety as prescribed by Presidential Decree.

(4) A person who intends to transport, store, or possess marijuana under paragraph (2) 3 shall report it to the Special Self-Governing City Mayor, the head of a Si (including the head of an administrative Si under the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City; hereinafter the same shall apply), the head of a Gun, or the head of a Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply).

(5) Matters necessary for the procedure for reporting, and method of transportation, storage, or possession shall be prescribed by Ordinance of the Prime Minister.

Article 5 (Restrictions on Handling Narcotics) (1) A person handling narcotics shall not engage in any act stipulated in each subparagraph of Article 4 (1) for purposes other than his/her business or service.

(2) No person who possesses, owns, transports, or controls narcotics under this Act shall use them for any other purposes.

(3) In any of the following cases, the Minister of Food and Drug Safety may prohibit or restrict the export, import, manufacture, sale, or use of narcotic drugs or psychotropic drugs or may take other necessary measures, if deemed necessary for the public interest:

1. Where it is deemed unnecessary to manufacture, export, or import narcotic drugs or psychotropic drugs, taking into account their domestic demand and holdings;
2. Where it is deemed unnecessary for other manufacturers or importers to manufacture or import narcotic drugs or psychotropic drugs of the same kind or item as those already manufactured or imported, taking into account domestic conditions of supply and demand, etc.;
3. Where it is deemed that narcotic drugs or psychotropic drugs have been abused in excess of the quantity stated in the item permission for narcotics;
4. Where narcotic drugs or psychotropic drugs are administered or provided for administration, on a long-term or continued basis, to such a level likely to cause physical or psychological dependence on narcotic drugs or psychotropic drugs;
5. Other cases prescribed by Presidential Decree.

Article 5-2 (Designation, etc. of Temporary Narcotics.) (1) From among substances, drugs, drug compounds, products, etc. that are not narcotics (hereafter in this Article, referred to as "substance, etc."), the Minister of Food and Drug Safety may designate substance, etc. deemed necessary to be urgently handled or controlled in a manner equivalent to the handling and control of narcotics because they are at risk of harming the public health by misuse or abuse, as temporary narcotics: Provided, That any of the following pharmaceutical products shall be excluded from the designation:

1. A pharmaceutical product for which permission by item has been obtained from, or a report by item has been filed with, the Minister of Food and Drug Safety under Article 31 (2) and (3) of the Pharmaceutical Affairs Act;
 2. A pharmaceutical product for clinical test for which approval has been obtained from the Minister of Food and Drug Safety under Article 34 (1) of the Pharmaceutical Affairs Act.
- (2) Where the Minister of Food and Drug Safety intends to designate temporary narcotics, he/she shall consult in advance with relevant agencies determined by Presidential Decree and make a preannouncement of the following matters in the Official Gazette and on the website for at least one month, and where he/she has designated temporary narcotics, he/she shall publicly announce matters set forth in subparagraphs 1 through 3 and 5 in the Official Gazette and on the website:
1. Reasons for designating temporary narcotics;
 2. Names of temporary narcotics;
 3. Classification of temporary narcotic drugs, temporary psychotropic drugs, or temporary marijuana;
 4. Matters concerning the preannouncement of temporary narcotics, such as a preannouncement

period for designation of temporary narcotics;

5. Matters concerning the designation of temporary narcotics, such as a designation period of temporary narcotics.
 - (3) The temporary narcotics preannounced prior to designation in accordance with paragraph (2) (hereinafter referred to as "preannounced temporary narcotics") shall be effective from the day the temporary narcotics are preannounced until the day before the day designation of temporary narcotics is publicly announced, and where preannounced temporary narcotics are to be designated as temporary narcotics, the designation shall be made, specifying a period of not more than three years: Provided, That temporary narcotics for which examination on whether to designate them as narcotics is needed may be re-designated as temporary narcotics after making the preannouncement under paragraph (2) before the designation period expires.
 - (4) No person shall cultivate, possess, own, use, transport, manage, import, export, manufacture, compound, administer, trade, assist in the trade of, give or receive, store, or provide preannounced temporary narcotics or temporary narcotics, or issue a prescription therefor: Provided, That this shall not apply in any of the following cases:
 1. Where preannounced temporary narcotics or temporary narcotics are managed for performing public duties after being seized, collected, or confiscated;
 2. Where a public official handling narcotics for performing public duties or an academic researcher handling narcotics handles preannounced temporary narcotics or temporary narcotics after obtaining approval therefor from the Minister of Food and Drug Safety as prescribed by Presidential Decree.
 - (5) Article 47 shall apply mutatis mutandis to the disposal of preannounced temporary narcotics and Articles 3, 5 (2) and (3), 41, and 47 shall apply mutatis mutandis to the handling, disposal, etc. of temporary narcotics. In such cases, "narcotics" shall be construed as "preannounced temporary narcotics" or "temporary narcotics", "narcotic drugs" as "temporary narcotic drugs", "psychotropic drugs" as "temporary psychotropic drugs", and "marijuana" as "temporary marijuana", respectively.

CHAPTER II PERMISSION, ETC.

- Article 6 (Permission, etc. for Person Handling Narcotics)** (1) Any person who intends to become a person handling narcotics and meets any of the following qualifications shall obtain permission from the Minister of Food and Drug Safety if he/she falls under subparagraphs 1, 2, and 4, and from a Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as a "Mayor/Do Governor") if he/she falls under subparagraph 3, and from a Special Self-Governing City Mayor or the head of a Si/Gun/Gu if he/she falls under subparagraph 5, as prescribed by Ordinance of the Prime Minister. The same shall also apply to modification to any permitted matter:
1. An exporter and importer of narcotics: A person who has obtained an item permission for a pharmaceutical product from, or filed a report on an item for a pharmaceutical product with, the Minister of Food and Drug Safety, as an importer under the Pharmaceutical Affairs Act;
 2. A manufacturer of narcotics or a user of raw materials of narcotics: A person who has obtained permission for manufacture of pharmaceuticals under the Pharmaceutical Affairs Act;
 3. A wholesaler of narcotics: A person who has opened a drug store registered under the Pharmaceutical Affairs Act, or has obtained permission for a wholesaler of pharmaceuticals thereunder;
 4. An academic researcher handling narcotics: A person who needs the use of narcotics for the purpose of academic research at a research institute, academic institution, etc.;

5. A marijuana cultivator: A farmer referred to in the subparagraph 2 of Article 3 of the Framework Act on Agriculture, Rural Community and Food Industry who intends to cultivate the hemp plants for the purpose of collecting fibers or seeds therefrom.
- (2) Only a pharmacist working for a medical institution staffed by a medical practitioner handling narcotics, who is designated by a Mayor/Do Governor as prescribed by Ordinance of the Prime Minister, is eligible to become a manager of narcotics. The same shall also apply where the person intends to modify the designated matters.
- (3) No one among the following persons shall be granted the permission for working as an exporter and importer of narcotics, an academic researcher handling narcotics, or a marijuana cultivator:
 1. A person under adult guardianship, a person under limited guardianship, or a minor;
 2. A mental patient or an addict to narcotics;
 3. A person in whose case three years have not passed since his/her imprisonment without labor or greater punishment declared by a court was completely executed or exempted.
- (4) Any person in whose case two years have not passed since he/she was subject to the revocation of the permission for a person handling narcotics under Article 44, or any person in whose case one year has not passed since the revocation of the designation as a person handling narcotics thereunder, shall not be granted the permission or designation under paragraph (1) or (2).

Article 6-2 (Permission for Exporters, Importers, etc. of Basic Substances for Narcotics)

- (1) A person who intends to engage in the business of exporting, importing, or manufacturing basic substances for narcotics determined by Presidential Decree (hereinafter referred to as "exporter, importer, etc. of basic substances for narcotics") shall obtain permission from the Minister of Food and Drug Safety, as prescribed by Ordinance of the Prime Minister. The same shall also apply to intended modification to any permitted matter.
- (2) A person who falls under any subparagraph of Article 6 (3) shall not obtain permission for working as an exporter, importer, etc. of basic substances for narcotics.
- (3) Article 6 (4) shall apply mutatis mutandis to restriction on permission for working as an exporter, importer, etc. of basic substances for narcotics.

Article 7 (Issuance of Certificate of Permission, etc. and Entry in Register)

- (1) The Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu (hereinafter referred to as "authorities granting permission"), who grants the permission or designation under Article 6 (1) and (2) or 6-2 (1), shall make an entry of the particulars of permission or designation granted in the register of the person handling narcotics or the exporters, importer, etc. of basic substances for narcotics, and issue certificates of permission or written designations as prescribed by Ordinance of the Prime Minister. In cases of alteration of any matters permitted or designated, the same shall also apply.
- (2) Any person who has obtained the permission or designation under Article 6 (1) and (2) or 6-2 (1) shall, if his/her certificate of permission or written designation is lost or damaged beyond use, have it reissued as prescribed by Ordinance of the Prime Minister.

Article 8 (Prohibition of Transfer of Certificates of Permission, etc. and Reports, etc. on Business Closure, etc.)

- (1) A person handling narcotics shall not lend or transfer his/her certificate of permission or written designation.
- (2) Where a person handling narcotics or an exporter, importer, etc. of basic substances for narcotics closes or suspends his/her business concerning handling of narcotics or export, import, or manufacture of basic substances for narcotics, or reopens the suspended business (hereinafter referred to as "business closure, etc."), the person shall report it to the relevant authorities

granting permission, as prescribed by Ordinance of the Prime Minister: Provided, That where the business closure, etc. is reported pursuant to any of the following subparagraphs, the business closure, etc. shall be deemed to have been reported under the main sentence of this paragraph:

1. Where a medical practitioner handling narcotics who has established a medical institution reports the business closure, etc. of such medical institution pursuant to Article 40 of the Medical Service Act;
2. Where a retailer of narcotics reports the business closure, etc. of a drug store pursuant to Article 22 of the Pharmaceutical Affairs Act.
- (3) Where a person handling narcotics or an exporter, importer, etc. of basic substances for narcotics falls under any of the following, a person falling under the classification under each subparagraph shall report it to the relevant authorities granting permission, as prescribed by Ordinance of the Prime Minister:
 1. Where he/she dies: His/Her heir (where his/her heir is not obvious, referring to the manager of the inherited property; hereafter the same shall apply);
 2. Where he/she becomes an incompetent under adult guardianship or a quasi-incompetent under limited guardianship: The guardian;
 3. Where a corporation is dissolved: The liquidator;
 4. Where academic research is completed: The academic researcher handling narcotics.
- (4) In cases of violation of paragraph (1) or where there exists any reason referred to in paragraph (2) or (3), the relevant permission or designation shall lose its validity.
- (5) Where the permission for or designation of a person handling narcotics or an exporter, importer, etc. of basic substances for narcotics has lost validity pursuant to paragraph (4) or if the authorities granting permission has taken measures revoking permission or designation or suspending business of a person handling narcotics or an exporter, importer, etc. of basic substances for narcotics under Article 44, the authorities granting permission shall record the matters on the register of the persons handling narcotics, or the exporters, importers, etc. of basic substances for narcotics, as prescribed by Ordinance of the Prime Minister.

CHAPTER III CONTROL OF NARCOTICS

Article 9 (Restrictions on Giving or Receiving, etc.) (1) A person handling narcotics or a person who has obtained approval for handling narcotics (referring to a person who has obtained approval for handling narcotics pursuant to subparagraphs 2 through 7 of Article 3, or Article 4 (2) 6; hereinafter the same shall apply) shall not take over narcotics from any person, other than a person handling narcotics or a person who has obtained approval for handling narcotics: Provided, That this shall not apply where approval has been obtained from authorities granting permission pursuant to Article 13.

(2) A person handling narcotics or a person who has obtained approval for handling narcotics shall not transfer narcotics, in any cases other than those provided for in this Act: Provided, That the same shall not apply in any of the following cases and where approval for transfer has been obtained from the Minister of Food and Drug Safety:

1. Where he/she intends to transfer narcotic drugs and psychotropic drugs that he/she possesses, owns, or manages, to other persons handling narcotics due to revocation of an item permission;
2. Where he/she intends to transfer narcotics to an academic researcher handling narcotics, a person who has obtained approval for handling narcotics, or a person handling narcotics approved pursuant to the proviso of Article 4 (3) ;
3. Where he/she intends to return narcotic drugs and psychotropic drugs that he/she has owned or managed to the original owner, etc., such as a person handling narcotics, a person who has been approved for handling narcotics, or an original owner in a foreign country, due to reasons

such as suspension of use, etc.

(3) Where a manufacturer of narcotics, a user of raw materials of narcotics, or an academic researcher handling narcotics intends to transfer narcotics (excluding drug compounds) to any other manufacturer of narcotics, user of raw materials of narcotics, or academic researcher handling narcotics, he/she shall obtain approval from the Minister of Food and Drug Safety as prescribed by Ordinance of the Prime Minister.

Article 10 (Narcotic Purchase and Sales Forms) (1) Where a person handling narcotics intends to purchase or sell, or to give or receive, narcotic drugs with other person handling narcotics, both of them shall write the required items on such forms of narcotic purchase and of narcotic sales as issued by a Mayor/Do Governor and sign or seal these forms, which shall be exchanged between the two parties.

(2) The form of narcotic purchase and that of narcotic sales under paragraph (1) shall be preserved for two years from the date of their exchange.

Article 11 (Report of Handling Narcotics) (1) A person handling narcotics or a person who has obtained approval for handling narcotics (excluding cases where a person who has obtained approval for departing or entering Korea while carrying narcotics drugs or psychotropic drugs for the purpose of self-treatment) shall, whenever narcotics or psychotropic drugs are exported and imported, manufactured, sold, taken over, transferred, purchased, used, discarded, compounded, administered, provided for administration, or used for academic research, report to the Minister of Food and Drug Safety matters regarding the names, quantities, dates of use, place of purchase, the total stock, serial number, name of the counter party concerned (if an animal is subject to the compounding or administration of narcotics or psychotropic drugs, it means its owner), etc. In such cases, if a person handling narcotics or a person who has obtained approval for handling narcotics is the counter party handling narcotics, the scope of handling, permission and approval number, and permission and approval date of handling shall be reported together.

(2) A medical practitioner handling narcotics and a retailer of narcotics shall report to the Minister of Food and Drug Safety the following matters, except as otherwise expressly provided for in paragraph (1):

1. The resident registration number of patients for whom narcotic drugs or psychotropic drugs have been compounded, administered, or provided to be administered, and the disease classification code pursuant to the Korea standard classification of causes of death and disease prepared and notified under the former part of Article 22 (1) of the Statistics Act (where an animal is subject to the compounding or administration of narcotics or psychotropic drugs, it refers to the kind of an animal, name of disease, and resident registration number of its owner; where a patient or owner is a foreigner, it refers to the passport number or foreign registration number): Provided, That if the disease classification code or name of disease has not been listed on a prescription, a retailer of narcotics need not report the information concerned;
2. The name of business, name and license number of a person who has administered or provided for administration of the narcotic drugs or psychotropic drugs, or has issued a prescription for such under Article 32 (2).
- (3) In cases of the medical institution having a manager of narcotics, narcotic drugs or psychotropic drugs which are administered or provided for administration by a medical practitioner handling narcotics or a manager of narcotics shall be reported to the Minister of Food and Drug Safety by the relevant manager of narcotics, notwithstanding paragraph (1) and (2).
- (4) When modification is intended on the matters to report under paragraphs (1) through (3), report for modification shall be made.
- (5) Matters necessary for the object, procedure, time, etc. of report pursuant to paragraphs (1) through (3), and the modification report, etc. pursuant to paragraph (4) shall be prescribed by Ordinance of the Prime Minister.

- Article 11-2 (Center for Narcotics Information Management)** (1) The Minister of Food and Drug Safety shall designate a relevant specialized institution as the Center for Narcotics Information Management (hereinafter referred to as "Integrated Information Center") to receive a report under Article 11 or manage effectively the information, etc. notified under Article 13 (2) as prescribed by Presidential Decree, and may entrust duties of the following subparagraphs:
1. Collection, survey, use, and provision of the information reported about handling and management of narcotics or psychotropic drugs;
 2. Other matters prescribed by Ordinance of the Prime Minister on the integrated information management of narcotics.
- (2) The head of the Integrated Information Center may request the provision of data or information (including personal information referred to in subparagraph 1 of Article 2 of the Personal Information Protection Act) relating to the duties, if necessary to perform duties pursuant to paragraph (1), such as ascertaining the authenticity of the information reported, from the State, local governments, public institutions, a person handling narcotics, or a person who has obtained approval for handling narcotics. In such cases, a person who has received the request shall comply therewith, unless there exists any justifiable ground to the contrary; as for the data provided to the head of the Integrated Information Center, its usage charges, fees, etc. are exempted.
- (3) The Minister of Food and Drug Safety and the head of the Integrated Information Center shall thoroughly manage the information reported under Article 11 and the data and information provided under paragraph (2), and shall not use them for purposes other than their business purposes.
- (4) The Minister of Food and Drug Safety may have the head of the Integrated Information Center report on the status of handling and management of narcotics or psychotropic drugs.
- (5) The Minister of Food and Drug Safety may fully or partially subsidize expenses used for the operation, etc. of the Integrated Information Center.
- (6) Other matters necessary for the operation, etc. of the Integrated Information Center shall be prescribed by Presidential Decree.

- Article 12 (Dealing with Narcotics Involved in Accident)** (1) Any person handling narcotics or any other person who has obtained approval for handling narcotics shall, upon occurrence of any of the following events with respect to narcotics in his/her possession, immediately report the event to the relevant authorities granting permission (in cases of a medical practitioner handling narcotics, it refers to the authorities granting permission, or receiving a report, for the establishment of the medical institution, and in cases of a retailer of narcotics, it shall refer to the authorities with which the opening of a drug store is registered; hereinafter the same shall apply), as prescribed by Ordinance of the Prime Minister:
1. Losses caused by disasters;
 2. Missing or thefts;
 3. Deterioration, decomposition or damages.
- (2) Where any person handling narcotics or any other person who has obtained approval for handling narcotics intends to discard narcotics in his/her possession for any of the following reasons, he/she shall do such in accordance with Ordinance of the Prime Minister:
1. A ground under paragraph (1) 3;
 2. Expiration of the period of use or the term of validity;
 3. A ground which makes it impracticable for inventory control or storage, even if the period of use or the term of validity has not expired.

Article 13 (Disposal of Narcotics Possessed by Disqualified Persons) (1) Where a person handling narcotics (excluding a manager of narcotics) is disqualified pursuant to Articles 8 and 44, the relevant person handling narcotics, his/her heir, his/her guardian, the liquidator, and the surviving or newly formed corporation after a merger shall transfer the narcotics in possession to other person handling narcotics after obtaining approval from the relevant authorities granting permission as prescribed by Ordinance of the Prime Minister: Provided, That where the heir or the corporation concerned is a person handling narcotics, they need not transfer the narcotics after obtaining approval from the relevant authorities granting permission, and where the heir to the marijuana cultivator, or the manager, guardian, or the corporation of its inheritance files a report with an intent to become a marijuana cultivator, he/she shall be deemed to have obtained the permission under Article 6 (1) 5 limited for the relevant year.

(2) The authorities granting permission which have approved the transfer, etc. of narcotic drugs or psychotropic drugs under paragraph (1) shall notify the Minister of Food and Drug Safety of matters regarding the approval as prescribed by Ordinance of the Prime Minister.

Article 14 (Advertisement) (1) Notwithstanding subparagraph 12 of Article 3, only narcotics manufacturing business entities and narcotics export–import business entities may extensively propagate or present to other persons information on the narcotic drugs or psychotropic drugs for which item permission is obtained pursuant to Article 18 or 21: Provided, That they shall not propagate or present such information in any manner other than publishing it in newspapers or magazines professionally dealing with matters concerning medical science or pharmacy.

(2) Standards for extensively propagating or presenting information on the narcotic drugs or psychotropic drugs pursuant to paragraph (1) shall be prescribed by Ordinance of the Prime Minister.

Article 15 (Storage of Narcotics) A person handling narcotics, a person who has obtained approval for handling narcotics, or a person who handles narcotics, preannounced temporary narcotics, or temporary narcotics in accordance with Article 4 (2) 3 through 5 and subparagraphs of Article 5–2 (4) shall store narcotics, preannounced temporary narcotics, or temporary narcotics that the person keeps, possesses, or controls, separately from other pharmaceutical products, as prescribed by Ordinance of the Prime Minister. In such cases, narcotic drugs, preannounced temporary narcotic drugs, or temporary narcotic drugs shall be stored at a durable place with a locking device.

Article 16 (Sealing) (1) When any of the following persons sells, exports, or transfers narcotics, he/she shall seal the containers or packaging. In such cases, the seal shall be such that the containers or packaging cannot be opened without breaking the seal, and, after opening, it is difficult to recover to the original state.

1. An exporter and importer of narcotics;
2. A manufacturer of narcotics;
3. A user of raw materials of narcotics;
4. An academic researcher handling narcotics;
5. A person who has obtained approval for handling narcotics.

(2) A person handling narcotics or a person who has obtained approval for handling narcotics shall not give or receive any narcotics that are not sealed pursuant to paragraph (1): Provided, That this shall not apply to any of the following cases:

1. Where a person handling narcotics returns narcotic drugs or psychotropic drugs that have been possessed or managed under Article 9 (2) 3 to a person handling narcotics such as an original owner;
2. Where approval has been obtained from the Minister of Food and Drug Safety on grounds prescribed by Presidential Decree, such as where narcotics in possession under Article 13 are transferred to a person handling narcotics.

Article 17 (Information Printed on Containers, etc.) (1) Matters determined by Ordinance of the Prime Minister shall be stated on the containers and packaging of narcotic drugs, psychotropic drugs, and ultra-narcotic drugs or accompanying documents.

(2) Letters such as “narcotic drugs” or “psychotropic drugs” marked in red colour shall be indicated on the containers and packaging of narcotic drugs and psychotropic drugs, and its accompanying documents, in a place more readily recognizable than other letters, articles, pictures, or designs, as prescribed by Ordinance of the Prime Minister. <Newly Inserted by Act No. 14019, Feb. 3, 2016>

CHAPTER IV PERSONS HANDLING NARCOTICS

Article 18 (Permission, etc. for Export and Import of Narcotics) (1) Any person other than an exporter and importer of narcotics shall neither export nor import narcotic drugs or psychotropic drugs.

(2) Where exporters and importers of narcotics intend to export and import narcotic drugs or psychotropic drugs, they shall obtain the following permission or approval, as prescribed by Ordinance of the Prime Minister:

1. Obtain permission from the Minister of Food and Drug Safety for each item. The same shall also apply to modification to any permitted matter;
2. Obtain approval from the Minister of Food and Drug Safety each time an item is exported and imported. The same shall also apply to modification to any approved matter.

(3) If the application for permission under paragraph (2) is deemed appropriate based on the result of examination, the Minister of Food and Drug Safety shall grant the permission.

(4) In cases of paragraph (2), any person, in whose case one year has not passed since an item permission was revoked under Article 44, shall not be granted an item permission for the revoked item.

Article 19 Deleted.

Article 20 (Sale of Imported Narcotics) No exporter and importer of narcotics shall sell the imported narcotic drugs or psychotropic drugs to any person other than a manufacturer of narcotics, user of raw materials of narcotics, and wholesaler of narcotics.

Article 21 (Permission, etc. for Manufacture of Narcotics) (1) No person other than a manufacturer of narcotics shall manufacture narcotic drugs and psychotropic drugs.

(2) Where a manufacturer of narcotics intends to manufacture narcotic drugs or psychotropic drugs, the manufacturer shall obtain an item permission for each item he/she intends to manufacture from the Minister of Food and Drug Safety, as prescribed by Ordinance of the Prime Minister. The same shall apply to modification to any permitted matter.

(3) The provisions of Article 18 (3) and (4) shall apply mutatis mutandis to paragraph (2).

Article 22 (Sale of Manufactured Narcotics) (1) No manufacturer of narcotics may sell narcotic drugs he/she has manufactured to any person other than a wholesaler of narcotics

(2) No manufacturer of narcotics may sell psychotropic drugs he/she has manufactured to any person other than an exporter and importer of narcotics, wholesaler of narcotics, retailer of narcotics, or medical practitioner handling narcotics.

Article 23 Deleted.

- Article 24 (Permission, etc. for Use of Raw Materials of Narcotics)** (1) No person other than a user of raw materials of narcotics shall manufacture the ultra-narcotic drugs or pharmaceuticals using the narcotic drugs or psychotropic drugs as raw materials.
- (2) Where a user of raw materials of narcotics intends to manufacture ultra-narcotic drugs, he/she shall obtain permission for each item he/she intends to manufacture from the Minister of Food and Drug Safety, as prescribed by Ordinance of the Prime Minister. The same shall apply to modification to any permitted matter.
- (3) Article 18 (3) and (4) shall apply mutatis mutandis in cases of paragraph (2).

Article 25 Deleted.

- Article 26 (Wholesale of Narcotics)** (1) No wholesaler of narcotics shall sell narcotic drugs to any person other than a retailer of narcotics, medical practitioner handling narcotics, manager of narcotics, or academic researcher handling narcotics within a Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, or a Special Self-Governing Province, where the business place is located: Provided, That this shall not apply where he/she sells narcotic drugs upon approval of the relevant authorities granting permission.
- (2) No wholesaler of narcotics shall sell psychotropic drugs to any person other than an academic researcher handling narcotics, wholesaler of narcotics, retailer of narcotics, medical practitioner handling narcotics, or manager of narcotics: Provided, That this shall not apply where he/she sells psychotropic drugs upon approval of the relevant authorities granting permission.

Article 27 Deleted.

- Article 28 (Retail of Narcotics)** (1) No person other than a retailer of narcotics shall sell any narcotic or psychotropic drug that has been prepared under a prescription for the narcotic or psychotropic drug issued by a medical practitioner handling narcotics: Provided, That this shall not apply where a medical practitioner handling narcotics is authorized to prepare it for himself/herself under the Pharmaceutical Affairs Act.
- (2) A retailer of narcotics shall preserve for two years the prescriptions on which he/she has prepared narcotic drugs or psychotropic drugs.
- (3) A retailer of narcotics shall not engage in the sale of narcotic drugs or psychotropic drugs through the electronic transaction under subparagraph 5 of Article 2 of the Framework Act on Electronic Documents and Transactions.

Article 29 Deleted.

- Article 30 (Administration, etc. of Narcotics)** Any person other than a medical practitioner handling narcotics shall not administer or provide for administration narcotic drugs or psychotropic drugs for the purpose of medical treatment or treatment of animals, or issue a prescription stating narcotic drugs or psychotropic drugs.

Article 31 Deleted.

- Article 32 (Indications on Prescriptions)** (1) A medical practitioner handling narcotics shall not administer a narcotic or psychotropic drug or provide it for administration, unless on prescription: Provided, That the same shall not apply where a medical practitioner handling narcotics, who is qualified to prepare such medicine under the Pharmaceutical Affairs Act, follows procedures for writing the name and quantity of the narcotic or psychotropic drug he/she intends to dispense on the register of medical treatment and thereafter administers such a narcotic or psychotropic drug or provides it for administration by himself/herself.
- (2) When a medical practitioner handling narcotics issues a prescription including narcotic drugs,

he/she shall state the location of business place, the trade name or title, and his/her license number on such a prescription, and then sign or affix his/her seal upon it.

(3) A prescription or the register of medical treatment referred to in paragraphs (1) and (2) (including electronic documents containing digital signature under the Digital Signature Act) shall be preserved for two years.

Article 33 (Managers of Narcotics) (1) The representative of a medical institution where four or more medical practitioners handling narcotics conduct medical treatment shall employ a manager of narcotics for the medical institution: Provided, That this shall not apply to a medical institution where only the psychotropic drugs are handled.

(2) Where a manager of narcotics provided for in paragraph (1) falls under any of the following subparagraphs, the representative of the medical institution concerned shall have the manager hand over the narcotics under his/her control to other manager of narcotics (if other manager of narcotics is not available, a medical practitioner handling narcotics working for the medical institution, until a successor to the manager of narcotics is decided) and report reasons for such measures to the relevant authorities granting permission:

1. Where the designation of a manager of narcotics loses its validity under Article 8 (4);
2. Where the designation of a person handling narcotics has been revoked or his/her service has been suspended under Article 44.

Article 34 (Control of Narcotics) In connection with its control of narcotic drugs and psychotropic drugs, a medical institution employing a manager of narcotics shall not be allowed to administer narcotic drugs or psychotropic drugs or provide them for administration, unless they have been purchased or controlled by its manager of narcotics to be administered or provided for administration at the same medical institution.

Article 35 (Academic Researchers Handling Narcotics) (1) No person other than an academic researcher handling narcotics shall use the narcotics for the purposes of academic research.

(2) Where an academic researcher handling narcotics cultivates the hemp plants, or imports and uses marijuana for academic research, he/she shall prepare books recording the matters concerning the use (including the current condition of hemp cultivation) and research thereof, and shall report the details to the Minister of Food and Drug Safety, as prescribed by Ordinance of the Prime Minister.

(3) Where an academic researcher handling narcotics uses narcotic drugs or psychotropic drugs for academic research, he/she shall prepare books including the matters concerning the use and research thereof, as prescribed by Ordinance of the Prime Minister.

(4) An academic researcher handling narcotics shall retain the records which he/she has kept in accordance with paragraphs (2) and (3) for two years.

Article 36 (Reporting by Hemp Plant Cultivators) (1) A hemp plant cultivator shall report the cultivated area, current status of production and quantity pertaining to the hemp plant cultivation to a Special Self-Governing City Mayor or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Prime Minister.

(2) A hemp plant cultivator shall destroy all parts of the hemp crops he/she has cultivated except for their seeds, roots and mature stalks, by burning, burying or any other means that can prevent leakage, and shall report to a Special Self-Governing City Mayor or the head of a Si/Gun/Gu the results thereof, as prescribed by Ordinance of the Prime Minister.

Article 37 (Restrictions on Permission, etc.) If it is deemed that potential misuse or abuse of narcotics is feared to cause harm and danger to public health, the authorities granting permission

may specify a particular area or item and exclude it from the scope of permission or designation in connection with the grant of the permission or designation referred to in Articles 6, 18, 21, and 24. In such cases, matters concerning the particular area or item shall be publicly announced in advance.

- Article 38 (Obligations of Control of Person Handling Narcotics)** (1) A manufacturer of narcotics or a user of raw materials of narcotics shall comply with the requirements prescribed by Ordinance of the Prime Minister with respect to the guidance and supervision of his/her employees, control of quality, and other matters concerning narcotic drugs, psychotropic drugs, and ultra-narcotic drugs.
- (2) No person handling narcotics shall sell or use any narcotics that have been deteriorated, decomposed, contaminated, or damaged or of which the period of use or the term of validity has expired.
- (3) When a person handling narcotics performs the work of business, he/she shall observe such requirements as prescribed by Presidential Decree to prevent theft or abuse of narcotics for medical use.

CHAPTER V NARCOTIC ADDICTS

- Article 39 (Prohibition of Use of Narcotic Drugs)** No medical practitioner handling narcotics may conduct any of the following acts to alleviate or cure the toxic symptoms of a narcotic addict: Provided, That this shall not apply where a medical treatment and protection facility under Article 40 has obtained permission therefor from the Minister of Health and Welfare or the Mayor/Do Governor:
1. To administer narcotic drugs;
 2. To provide narcotic drugs for administration;
 3. To issue a prescription for narcotic drugs.

- Article 40 (Treatment and Protection of Narcotic Addicts)** (1) The Minister of Health and Welfare or a Mayor/Do Governor may either establish and operate a medical treatment and protection facility or designate such facility to test a person using narcotics for narcotic addiction or to treat and protect those who have been diagnosed as a narcotic addict.
- (2) The Minister of Health and Welfare or a Mayor/Do Governor may have a person using narcotics undergo a test for narcotic addiction at a medical treatment and protection facility under paragraph (1), or place any person diagnosed as a narcotic addict under a medical treatment and protection. In such cases, the period of test shall be limited to not more than one month, and the period of medical treatment and protection to not more than 12 months.
- (3) Where the Minister of Health and Welfare or a Mayor/Do Governor intends to conduct a test or to provide medical treatment and protection under paragraph (2), he/she shall go through deliberation by the Medical Treatment and Protection Examination Commission concerned.
- (4) To perform functions with respect to deliberation on matters concerning the test and medical treatment and protection under paragraph (3), there shall be established the Medical Treatment and Protection Examination Commissions in the Ministry of Health and Welfare, a Special Metropolitan City, Metropolitan Cities, a Special Self-Governing City, Do, and Special Self-Governing Province, respectively.
- (5) Matters necessary for the establishment, operation, and designation of the medical treatment and protection facilities, test, and medical treatment and protection as well as the organization, operation, duties, etc. of the Medical Treatment and Protection Examination Commissions under paragraphs (1) through (4) shall be prescribed by Presidential Decree.

CHAPTER VI SUPERVISION AND CONTROL

Article 41 (Entry, Inspection, and Collection) (1) If the Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu deems it necessary to monitor narcotics and basic substances for narcotics, he/she may require relevant public officials to enter the business place, factory, warehouse, land on which hemp plants are cultivated, drugstore, compounding place, and other places related to narcotics and basic substances for narcotics, with respect to a person handling narcotics, a person approved to handle narcotics, or a person handling basic substances for narcotics, and to perform following duties:

1. To inspect their structures, facilities, business conditions, records and documents, medical supplies, and other goods;
2. To ask questions to the persons concerned;
3. To collect narcotics, basic substances for narcotics, and pharmaceuticals and objects deemed related thereto, as prescribed by Ordinance of the Prime Minister. In such cases, such collection shall be limited to the minimum portion required for testing.

(2) Where it is deemed necessary for the supervision of the Integrated Information Center, the Minister of Food and Drug Safety may take necessary measures such as requiring the head of the Integrated Information Center to report on duties or property or submit data, or requiring a relevant public official to enter a site or inspect documents.

(3) Any public official who performs the duties of entry, inspection, or collection referred to in paragraph (1) or (2) shall produce a certificate verifying his/her authority to the persons concerned.

Article 42 (Orders, etc. for Destruction) (1) The Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu may order a person handling narcotics and a person approved to handle narcotics to destroy or to take other necessary measures against the narcotics that have been reported pursuant to Article 12 or the narcotics for which approval under Article 13 has not been obtained and the psychotropic drugs that have been manufactured, sold, stored or imported in violation of Article 16, 17, 18, 21, or 24 or other psychotropic drugs, etc. of inferior quality, in such a manner as to prevent danger and harm to the public health.

(2) In any cases falling under the following, the Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu may direct the relevant public official to destroy, seize, or take other necessary measures against relevant items, etc. in question:

1. Where any person who has been given an order under paragraph (1) fails to comply with such an order;
2. Where a hemp plant cultivator fails to conduct the destruction as provided in Article 36 (2);
3. Where basic substances for narcotics have been manufactured, exported or imported, traded, assisted to be traded, given or received, held, possessed or used, in violation of subparagraph 4 of Article 3, or otherwise where they have been discovered to be stored for such purposes.

Article 43 (Business Reports, etc.) The Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu may order persons handling narcotics, persons approved to handle narcotics, and persons handling basic substances for narcotics to report necessary matters with respect to their business or to submit books, documents and other relevant objects.

Article 44 (Revocation of Permission, etc. and Suspension of Business) (1) Where a person handling narcotics, a person approved to handle narcotics (excluding cases in which a person has obtained approval for the purpose of departing or entering Korea while carrying narcotic drugs or psychotropic drugs for self-treatment) or an exporter, importer, etc. of basic substances for

narcotics falls under any of following, the relevant authorities granting permission may revoke the permission (including item permission), designation, or approval given under this Act or may order suspension of all or part of his/her business or handling of narcotics and basic substances for narcotics for a period of up to one year: Provided, That, in cases of narcotic drugs, psychotropic drugs, or ultra-narcotic drugs that cause or are at risk of causing harm or danger to the public health, if the causes of harm and danger are not attributable to a person handling them and the objectives of the permission are deemed achievable by the alteration of the ingredients or prescription of them, only the alteration may be ordered.

1. Where suspension of all or part of business or handling of narcotics and basic substances for narcotics is ordered:
 - (a) Where he/she violates the provision concerning restrictions on handling narcotics under Article 5 (1) and (2);
 - (b) Where he/she violates measures under Article 5 (3);
 - (c) Where he/she fails to obtain a modified permission or modified designation under the latter part of the main sentence of Article 6 (1) and the latter part of paragraph (2) of the same Article;
 - (d) Where he/she fails to have a modified permission under the latter part Article 6-2 (1);
 - (e) Where he/she fails to have a certificate of permission or written designation under Article 7 (2) re-issued;
 - (f) Where he/she transfers narcotics in violation of Article 9 (2) and (3);
 - (g) and (h) Deleted.
 - (i) Where he/she fails to report or falsely reports, in violation of Article 11;
 - (j) Where he/she fails to report, or destroys narcotics, etc. involved in an accident, in violation of Article 12;
 - (k) Where he/she advertises narcotics, in violation of Article 14;
 - (l) Where he/she stores narcotics, in violation of Article 15;
 - (m) Where he/she fails to seal narcotics, or gives or receives narcotics, which are not sealed, in violation of Article 16;
 - (n) Where he/she fails to state information, in violation of Article 17, or states false information;
 - (o) Deleted;
 - (p) Where he/she sells narcotics, in violation of Articles 20, 22, and 26;
 - (q) Where he/she administers a narcotic or psychotropic drug without following a prescription, in violation of Article 32, or records false information in a prescription, or fails to prepare, keep and preserve a prescription;
 - (r) Where he/she fails to employ a manager of narcotics, in violation of Article 33;
 - (s) Where he/she fails to keep and preserve records, in violation of Article 35 (2) through (4), or records false information;
 - (t) Where a cultivator of the hemp plant fails to cultivate the hemp plant for two consecutive years without justifiable grounds;
 - (u) Where he/she violates obligations of control of a person handling narcotics under Article 38;
 - (v) Where he/she refuses, hinders, or abstains from inspections, inquiries and collection by a relevant public official under Article 41;
 - (w) Where the persons handling narcotics or exporters, importers, etc. of basic substances for narcotics fail to undergo education, in violation of Article 50;
 - (x) Where he/she exports and imports basic substances for narcotics without obtaining approval for export and import, in violation of Article 51 (1), or exports and imports basic substances for narcotics in disconformity with the details of the approval for export and import;
 - (y) Where he/she fails to prepare or retain records on the production, export, import, giving,

- receiving, sale, or purchase of basic substances for narcotics, in violation of Article 51 (2) or prepares false records;
- (z) Where he/she trades basic substances for narcotics in small quantities to evade the obligation of preparing records on the export, import, giving, receiving, sale, or purchase of basic substances for narcotics under Article 51 (2);
 - (aa) Where he/she fails to report under Article 51 (3);
 - (bb) Where he/she fails to obtain approval or modified approval for export and import under Article 18 (2) 2;
2. Where permission (including an item permission) or designation is revoked:
- (a) Where he/she falls under a ground for disqualification under each subparagraph of Article 6 (3);
 - (b) Where he/she fails to obtain permission or modified permission, in violation of Articles 18 (2) 1, 21 (2), and 24 (2);
 - (c) Where he/she violates subparagraph 1 (a), (m), (v) or Article 9 (2) two times or more;
 - (d) Where he/she violates subparagraph 1 (i), (j), (r), or (bb) or Article 9 (3) not less than three times;
 - (e) Where he/she violates the standards determined by Ordinance of the Prime Minister on matters such as the content of active ingredients of narcotic drugs, rate of loss of narcotic drugs in the compounding process three times or more.
- (2) The criteria for administrative dispositions under paragraph (1) shall be determined by Ordinance of the Prime Minister.

Article 45 (Hearings) Where the authorities granting permission intends to revoke the permission or designation of a person handling narcotics or an exporter, importer, etc. of basic substances for narcotics under Article 44 (1), it shall hold a hearing.

Article 46 (Disposition of Penalty Surcharges) (1) Where the authorities granting permission is to take measures to enforce the suspension of business as provided in Article 44 (1) on a person handling narcotics or an exporter, importer, etc. of basic substances for narcotics, it may impose a penalty surcharge not exceeding 100 million won in lieu of such measures for the suspension of business, as prescribed by Presidential Decree. In such cases, imposition of the penalty surcharge shall be limited to such case as where these measures for the suspension of business bring or may bring serious harm or danger to the public health, and it shall not be imposed for more than three times.

(2) The amount of the penalty surcharge according to the types and degrees of the offenses liable to penalty surcharge under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

(3) If necessary to impose the penalty surcharge, the authorities granting permission may request with a document stating the following matters that the head of the competent tax office submit tax information:

- 1. Personal information of taxpayer;
- 2. Purpose of use for tax information;
- 3. Sales revenue to impose the penalty surcharge on.

(4) Where the penalty surcharge under paragraph (1) has not been paid within the time limit, the authorities granting permission shall revoke the disposition of imposing the penalty surcharge and suspend business under Article 44 (1), or collect it in the same manner as delinquent national taxes are collected or as prescribed by the Act on the Collection, etc. of Local Non-Tax Revenue: Provided, That where suspension of business under Article 44 (1) is not possible due to business closure, etc., the authorities granting permission shall collect it in the same manner as delinquent national taxes are collected or as prescribed by the Act on the Collection, etc. of Local

Non-Tax Revenue.

(5) If necessary for collecting the unpaid penalty surcharge under paragraph (4), the authorities granting permission may request submission of any of the following data from each relevant person in the following subparagraphs. In such cases, a person, in receipt of such request, shall comply therewith unless there is any justifiable ground to the contrary.

1. Certified copy of registered building ledger under Article 38 of the Building Act: The Minister of Land, Infrastructure and Transport;
2. Certified copy of land cadastre under Article 71 of the Act on the Establishment, Management, etc. of Spatial Data: The Minister of Land, Infrastructure and Transport;
3. Certified copy of car registered book under Article 7 of the Motor Vehicle Management Act: Mayor/Do Governor.

Article 47 (Disposition on Illegal Narcotics) With respect to the narcotics that are possessed, owned, used, managed, cultivated, exported, imported, manufactured, traded, mediated for trading, given, received, administered, provided for administration, or used for compounding or research in violation of this Act or other statutes governing narcotics, the Minister of Food and Drug Safety may seize them or impose other necessary disposition.

Article 48 (Inspectors for Narcotics) (1) The Ministry of Food and Drug Safety, its affiliated organizations, the Special Metropolitan City, Metropolitan Cities, the Special Self-Governing City, Do, the Special Self-Governing Province, and a Si/Gun/Gu (which shall be limited to autonomous Gus; hereinafter the same shall apply) shall have inspectors for narcotics to assign them the duties of the relevant public officials under Article 41 (1) and Article 42 (2) and other inspection duties concerning narcotics and basic substances for narcotics.

(2) Qualifications for the inspectors for narcotics, the scope of duties and other necessary matters shall be prescribed by Presidential Decree.

Article 49 (Honorary Counselors for Narcotics) (1) The Ministry of Food and Drug Safety, Special Metropolitan City, Metropolitan Cities, Metropolitan Autonomous Cities/Dos, Special Self-Governing Province, and Sis/Guns/Gus may appoint honorary counselors for narcotics to prevent misuse or abuse of narcotics, to conduct publicity and awareness campaigns, etc. (2) The qualifications for and the scope of functions of the honorary counselors for narcotics and other necessary matters shall be prescribed by Presidential Decree.

Article 50 (Education for Persons Handling Narcotics and Exporters, Importers, etc. of Basic Substances for Narcotics) (1) The persons handling narcotics (excluding the hemp plant cultivators) or exporters, importers, etc. of basic substances for narcotics shall undergo education for control of narcotics or basic substances for narcotics conducted by the Minister of Food and Drug Safety or a Mayor/Do Governor.

(2) Matters necessary for the method, frequency and details of the education for control of narcotics, or basic substances for narcotics under paragraph (1) shall be determined by Ordinance of the Prime Minister.

Article 51 (Control of Basic Substances for Narcotics) (1) Any person who exports and imports basic substances for narcotics shall obtain approval from the Minister of Food and Drug Safety for each export and import he/she conducts.

(2) Any person who manufactures, exports and imports, gives or receives, or trades basic substances for narcotics shall keep a record of his/her manufacture, export and import, giving or receiving, or trade (hereafter in this Article, referred to as "transaction"), and retain it for two years: Provided, That this shall not apply in any of the following cases:

1. In cases of the manufacture and transactions that are kept on the record, and of which records are preserved, under the Pharmaceutical Affairs Act;
 2. In cases of the manufacture and transactions that are kept on the record, and of which records are preserved, under the Chemicals Control Act;
 3. In cases of the manufacture and transactions of the composite basic substances for narcotics;
 4. In cases of lawful transactions that are conducted in the course of regular business and that shall be prescribed by Presidential Decree;
 5. In cases of transactions in an amount below the level determined by Presidential Decree.
- (3) In any of the following cases, a person handling basic substances for narcotics shall report it to the Minister of Justice or the Minister of Food and Drug Safety without delay:
1. Where the purpose of the purchase of basic substances for narcotics is uncertain or where they may be used for the illegal manufacture of narcotic drugs and psychotropic drugs;
 2. Where basic substances for narcotics exceeding the amount prescribed by Presidential Decree has been stolen, missing, or involved in other accident.
- (4) The person handling basic substances for narcotics who has filed a report with the Minister of Justice or the Minister of Food and Drug Safety under paragraph (3) and the public official who has received the report shall maintain the confidentiality of the reported matters.
- (5) Matters necessary for the type of basic substances for narcotics subject to approval under paragraph (1) and the procedures for such approval shall be determined by Presidential Decree.
- (6) Matters necessary for the preparation and retaining of a record of manufacture and transactions and the reports under paragraphs (2) and (3) shall be determined by Ordinance of the Prime Minister.
- (7) Upon request of the Minister of Food and Drug Safety since there is a reason determined by Ordinance of the Prime Minister, including a case where it is necessary for international cooperation, an exporter, importer, etc. of basic substances for narcotics shall report the matters concerning the manufacture or transactions of basic substances for narcotics without delay.
- [This Article Wholly Amended by Act No. 10786, Jun. 7, 2011]

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 51-2 (Establishment of Korean Association Against Drug Abuse) (1) The Korean Association Against Drug Abuse shall be established to conduct the following projects:

1. Publicity, awareness campaign, and education programs designed to call national attention to the ill effects of narcotics;
 2. Social welfare programs designed to assist narcotic addicts in their restoration to society;
 3. Other projects related to the eradication of misuse or abuse of illegal narcotics and drugs and deemed necessary by the Minister of Food and Drug Safety.
- (2) The Korean Association Against Drug Abuse shall be a juristic person.
- (3) Except as otherwise expressly provided for in this Act, the provisions concerning incorporated foundation referred to in the Civil Act shall apply mutatis mutandis to the Korean Association Against Drug Abuse.
- (4) The Minister of Food and Drug Safety and the head of a local government may subsidize the Korean Association Against Drug Abuse for the expenses necessary for its operation and the projects under paragraph (1) within budgetary limits.
- (5) Matters necessary for the management, etc. of the Korean Association Against Drug Abuse shall be determined by Presidential Decree.

Article 51-3 (Fact-Finding Surveys) (1) The Minister of Health and Welfare shall conduct a fact-finding survey on narcotic addicts every five years, for the appropriate implementation of this Act.

(2) Necessary matters concerning the method, details, etc. of a survey under paragraph (1) shall be determined by Ordinance of the Ministry of Health and Welfare.

Article 51-4 (Legal Fiction as Public Official in Application of Penalty Provisions) Among the executive officers and employees of the Korean Association Against Drug Abuse under Article 51-2 (1), those who are not public officials shall be deemed to be public officials in applying Articles 127 and 129 through 132 of the Criminal Act.

Article 52 (Collection of Data Related to Narcotics) The Minister of Health and Welfare and the Minister of Food and Drug Safety shall collect information relating to the enforcement of this Act and other statutes concerning narcotics from each agency of the Government, and may request such agencies to submit relevant data regarding necessary matters concerning narcotics

Article 53 (Disposal Methods, etc. of Confiscated Narcotics) (1) The narcotics confiscated under the conditions prescribed by this Act, and other statutes shall be handed over to a Mayor/Do Governor.

(2) Where a Mayor/Do Governor has taken over the narcotics under paragraph (1), he/she shall destroy them or make other necessary disposals thereof.

(3) Matters necessary for the disposal under paragraph (2) shall be prescribed by Presidential Decree.

Article 54 (Rewards) Any person who provides information on or makes accusation against a crime involved in narcotics under this Act, and other statutes to the investigative authorities, or arrests such criminal, prior to the discovery thereof by the investigative authorities shall be paid appropriate rewards as prescribed by Presidential Decree.

Article 55 (Fees) Any of the following persons shall pay fees as determined by Ordinance of the Prime Minister:

1. A person who intends to be granted permission or designation;
2. A person who intends to modify the details of permission or designation;
3. A person who intends to have his/her certificate of permission or written designation reissued under this Act.

Article 56 (Delegation of Authority) @Part of the authority of the Minister of Food and Drug Safety under this Act may be delegated to the heads of its affiliated agencies or Mayors/Do Governors in accordance with Presidential Decree, and part of the authority of the Mayors/Do Governors under this Act may be delegated to the heads of Sis/Guns/Gus in accordance with Presidential Decree.

Article 56-2 (Special Case of Handling of Narcotics for Military Use) (1) Notwithstanding the provisions of this Act, in cases of narcotics for military use, the Minister of Defense shall have jurisdiction over possession, control, compounding, administration, or giving or receiving of such narcotics, or the use thereof for academic research or issuance of a prescription thereof.

(2) Matters necessary for the handling of narcotics for military use provided in paragraph (1) shall be determined by Ordinance of the Ministry of Defense.

Article 57 (Application of Other Acts) The provisions of the Pharmaceutical Affairs Act, except as otherwise expressly provided by this Act, shall apply to the manufacture, control, etc. of narcotic drugs and psychotropic drugs.

CHAPTER VIII PENALTY PROVISIONS

Article 58 (Penalty Provisions) (1) Any of the following persons shall be punished by imprisonment with labor for an indefinite term or for not less than five years:

1. A person who exports or imports, manufactures, trades, or assists in the trade of, narcotic drugs or temporary narcotic drugs, or who possesses or owns them for such purpose, in violation of subparagraphs 2 and 3 of Article 3 (which shall include cases applicable mutatis mutandis in Article 5-2 (5); hereinafter the same shall apply from this Article through Article 61), or Article 4 (1), 5-2 (4) (which shall exclude a person who falls under the cases of preannounced temporary narcotics or Article 5-2 (4) 2; hereafter in this Chapter, the same shall apply), 18 (1), or 21 (1);
 2. A person who manufactures, exports, or imports basic substances for narcotics for the purpose of manufacturing the narcotic drugs or psychotropic drugs, or who holds or possesses them for such purpose, in violation of subparagraph 4 of Article 3;
 3. A person who manufactures, exports or imports, trades, assists in the trade of, or gives or receives, psychotropic drugs under subparagraph 3 (a) of Article 2, or other psychotropic drugs containing their substance, or who holds or possesses them for such purpose, in violation of subparagraph 5 of Article 3;
 4. A person who obtains extraction from plants or mushrooms used as raw materials for the psychotropic drugs under subparagraph 3 (a) of Article 2, or who exports or imports such plants or mushrooms, or holds or possesses them for such purpose, in violation of subparagraph 6 of Article 3;
 5. A person who exports or imports marijuana, or who holds or possesses it for such purpose, in violation of subparagraph 7 of Article 3;
 6. A person who manufactures, exports, or imports psychotropic drugs under subparagraph 3 (b) of Article 2 or other psychotropic drugs containing their substance, or who holds or possesses them for such purpose, in violation of Article 4 (1);
 7. A person who gives, receives, prepares, administers, or delivers narcotic drugs or temporary narcotic drugs to a minor, or who trades, gives, receives, prepares, administers, or delivers psychotropic drugs or temporary psychotropic drugs, in violation of Article 4 (1) or 5-2 (4).
- (2) Any person who has committed any of the offenses under paragraph (1) for profit-making or out of habit shall be punished by death penalty, imprisonment with labor for an indefinite term or for not less than ten years.
- (3) Any attempt to commit any of the crimes under paragraphs (1) and (2) shall be punished.
- (4) Any person who has premeditated or plotted to commit any of the crimes under paragraphs (1) (excluding subparagraph 7) and (2) shall be punished by imprisonment with labor for not more than ten years.

Article 59 (Penalty Provisions) (1) Any of the following persons shall be punished by imprisonment with labor for a limited term of not less than one year:

1. A person who cultivates plants used as raw materials for narcotic drugs for the purpose of export, import, trade, or manufacture, or who holds or possesses raw materials, seeds, or seedlings containing their component, in violation of subparagraph 2 of Article 3;
2. A person who controls, gives or receives raw materials, seeds or seedlings containing the narcotic component, or who extracts such component therefrom, in violation of subparagraph 2 of Article 3;
3. A person who holds, possesses, controls, gives, receives, transports, uses, administers, or provides for administration, the heroin, its salts, or other substances containing its salts, in violation of subparagraph 3 of Article 3;

4. A person who trades, assists in the trade of, or gives or receives basic substances for narcotics for the purpose of manufacturing narcotic drugs or psychotropic drugs, or who holds, possesses, or uses them for such purpose, in violation of subparagraph 4 of Article 3;
 5. A person who holds, possesses, uses, or controls psychotropic drugs or other psychotropic drugs containing their substance under subparagraph 3 (a) of Article 2, in violation of subparagraph 5 of Article 3;
 6. A person who trades, assists in the trade of, or gives or receives plants or mushrooms used as raw materials for psychotropic drugs under subparagraph 3 (a) of Article 2, or who holds or possesses them for such purpose, in violation of subparagraph 6 of Article 3;
 7. A person who manufactures, trades, or assists in trade of marijuana, or who holds or possesses it for such purpose, in violation of subparagraph 7 of Article 3;
 8. A person who gives or receives or delivers marijuana to the minors, or has the minors smoke or take in marijuana or its seed coats, in violation of subparagraph 10 of Article 3 or Article 4 (1);
 9. A person who holds, possesses, controls, or gives or receives narcotic drugs or temporary narcotic drugs, in violation of Article 4 (1) or 5-2 (4), or who manufactures ultra-narcotic drugs in violation of Article 24 (1);
 10. A person who manufactures, exports, or imports psychotropic drugs or other psychotropic drugs containing their substance under subparagraph 3 (c) of Article 2, or who holds or possesses them for such purpose, in violation of Article 4 (1);
 11. A person who cultivates the hemp plants or temporary hemp plants for the purpose of the export, trade, or manufacture, of marijuana or temporary marijuana, in violation of Article 4 (1) or 5-2 (4);
 12. A person who handles narcotics (excluding marijuana) in violation of Article 4 (3);
 13. A person who exports, imports, or manufactures psychotropic drugs, or manufactures pharmaceuticals, in violation of Article 18 (1), 21 (1) or 24 (1).
- (2) Any person who habitually commits any of the crimes under paragraph (1) shall be punished by imprisonment with labor for a limited term of not less than three years.
- (3) Any attempt to commit any of the crimes under paragraphs (1) (excluding subparagraph 5) and (2) shall be punished.
- (4) A person who has premeditated or plotted to commit any of the crimes under paragraph (1) 7 shall be punished by imprisonment with labor for not more than ten years.

Article 60 (Penalty Provisions) (1) Any of the following persons shall be punished by imprisonment with labor for not more than ten years or by a fine not exceeding 100 million won:

1. A person who uses narcotic drugs or psychotropic drugs under subparagraph 3 (a) of Article 2 in violation of subparagraph 1 of Article 3, or who provides other person with a place, facilities, equipment, funds or means of transportation available for committing the prohibited acts in respect of narcotic drugs or psychotropic drugs under subparagraph 3 (a) of Article 2 in violation of subparagraph 11 of Article 3;
2. A person who trades, assists in the trade of, gives or receives, holds, possesses, uses, controls, prepares, administers, or delivers, the psychotropic drugs or other psychotropic drugs containing their substance under subparagraph 3 (b) and (c) of Article 2, or who issues a prescription for psychotropic drugs, in violation of Article 4 (1);
3. A person who manufactures, exports, or imports psychotropic drugs or other psychotropic drugs containing their substance under subparagraph 3 (d) of Article 2, or who holds or possesses them for manufacture, export, or import, in violation of Article 4 (1);
4. A person who handles narcotic drugs or delivers a prescription thereof, in violation of Article 5 (1) and (2) (including cases applicable mutatis mutandis in Article 5-2 (5)), 9 (1), 28 (1), 30, 35 (1), or 39.

- (2) Any person who habitually commits any of the crimes under paragraph (1) shall be subject to an aggravated punishment by up to 1/2 of the penalty stipulated for the crime.
- (3) Any attempt to commit any of the crimes under paragraphs (1) and (2) shall be punished.

Article 61 (Penalty Provisions) (1) Any of the following persons shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 50 million won:

1. A person who uses psychotropic drugs (excluding psychotropic drugs under subparagraph 3 (a) of Article 2) or marijuana, in violation of subparagraph 1 of Article 3, or who provides others with a place, facilities, equipment, funds, or means of transportation available for committing the prohibited acts in respect of the psychotropic drugs (excluding the psychotropic drugs under subparagraph 3 (a) of Article 2) and marijuana, in violation of subparagraph 11 of Article 3;
 2. A person who cultivates plants used as raw materials for narcotic drugs, or who holds or possesses any raw material, seed, or seedling containing their component, in violation of subparagraph 2 of Article 3;
 3. A person who smokes or takes in plants or mushrooms used as raw materials for psychotropic drugs under subparagraph 3 (a) of Article 2, or who holds or possesses them for such purpose or for the purpose of having others smoke or take them in, in violation of subparagraph 6 of Article 3;
 4. A person who is engaged in any of the following acts, in violation of subparagraph 10 of Article 3:
 - (a) A person who smokes or takes in marijuana or the seed coats of the hemp plants;
 - (b) A person who holds marijuana, the hemp plant seeds or its seed coats for the purpose of engaging in the act under item (a);
 - (c) A person who trades or assists in the trade of the hemp plant seeds or its seed coats while knowing the likely purposes of engaging in the act under item (a) or (b);
 5. A person who trades, assists in the trade of, gives or receives, holds, possesses, uses, controls, prepares, administers, or delivers, the psychotropic drugs or other psychotropic drugs containing their substance under subparagraph 3 (d) of Article 2, or who issues a prescription for psychotropic drugs, in violation of Article 4 (1);
 6. A person who cultivates, holds, possesses, gives or receives, transports, keeps in custody, or uses marijuana or temporary marijuana, in violation of Article 4 (1) or 5-2 (4);
 7. A person who handles psychotropic drugs or marijuana, in violation of Article 5 (1) and (2) (including cases applicable mutatis mutandis in Article 5-2 (5)), 9 (1), or 35 (1);
 8. A person who exports, imports, or manufactures basic substances for narcotics, in violation of 6-2;
 9. A person who handles psychotropic drugs, or issues a prescription for them, in violation of Article 28 (1) or 30;
 10. A person who sells narcotic drugs or psychotropic drugs through electronic transaction, in violation of Article 28 (3).
- (2) Any person who habitually commits any of the crimes under paragraph (1) shall be subject to an aggravated punishment by up to 1/2 of the penalty stipulated for such a crime.
- (3) Any attempt who commits any of the crimes under paragraph (1) (excluding subparagraphs 2, 3, and 8 thereof) and paragraph (2) (excluding violations of paragraph (1) 2, 3, and 8) shall be punished.

Article 62 (Penalty Provisions) (1) Any of the following persons shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 30 million won:

1. A person who lends or transfers his/her certificate of permission or written designation concerning handling of narcotic drugs, in violation of Article 8 (1), or who handles narcotic

- drugs, in violation of Article 9 (2) and (3), 18 (2), 20, 21 (2), 22 (1), 24 (2), or 26 (1);
2. A person who handles narcotic drugs as the other party to any offense violating Article 9 (2), 20, 22 (1), or 26 (1);
 3. A person who extensively propagates or presents information on prohibited acts to other person, in violation of subparagraph 12 of Article 3.
- (2) Any person who habitually commits any of the crimes under paragraph (1) shall be subject to an aggravated punishment by up to 1/2 of the penalty stipulated for such a crime.
- (3) Any attempt who commits any of the crimes under paragraphs (1) and (2) shall be punished.

Article 63 (Penalty Provisions) (1) Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won:

1. Any person who fails to obtain permission in violation of Article 6-2 (1), or who violates Article 51 (1) through (4);
 2. Any person who lends or transfers his/her certificate of permission or written designation concerning handling of psychotropic drugs, in violation of Article 8 (1), or who handles psychotropic drugs, in violation of Article 9 (2) and (3), 20, 22 (2) or 28 (2);
 3. Any person who lends or transfers his/her certificate of permission concerning handling of marijuana, in violation of Article 8 (1), or who handles marijuana, in violation of Article 9 (2) and (3);
 4. Any person who handles psychotropic drugs as the other party to any offense violating Articles 9 (2), 20, and 22 (2);
 5. Any person who handles marijuana as the other party to any offense violating Article 9 (2);
 6. Any person who handles narcotic drugs, in violation of Articles 11 (1) through (4), 16, 28 (2), 32 (1) and (2), 33 (1), or 34;
 7. Any person who handles narcotic drugs by means of making a false report or changing report falsely under Article 11 (1) through (4), or by means of false entries in the prescription under Article 32 (2);
 8. Any person who handles narcotic drugs without stating required matters or by stating them falsely, in violation of Article 17;
 - 8-2. Any person who handles narcotic drugs without reporting or by making a false report in violation of orders under Article 43;
 9. Any person who handles narcotic drugs by making a false report in violation of Article 12 (1), or who destroys narcotic drugs in violation of Article 12 (2);
 10. Any person who handles narcotic drugs, in violation of Article 13 (1) and Article 33 (2) (excluding a person who falls under Article 69 (1) 8);
 11. Any person who handles psychotropic drugs, in violation of Article 18 (2) or 21 (2);
 12. Any person who deserts the medical treatment and protection facility under Article 40 (1) without justifiable reasons, or who conceals a person who has deserted therefrom;
 13. Any person who refuses, obstructs or abstains from a testing for narcotic addiction or medical treatment and protection under Article 40 (2), without justifiable reasons;
 14. Any person handling narcotic drugs, who refuses, obstructs, or evades the entry, inspection, collection, etc. under Article 41 (1) (including the case applied mutatis mutandis in Article 5-2 (5)), or who refuses, obstructs, or abstains from the disposition under Article 47 (including the case applied mutatis mutandis in Article 5-2 (5)), without justifiable reasons;
 15. Any person who handles narcotic drugs by doing business during the period of suspension of business under Article 44;
 16. Any person who trades basic substances for narcotics by dividing it in small amount with an intent to avoid an obligation to keep a record under Article 51 (2).
- (2) Any person who habitually commits any of the crimes under paragraph (1) 2 through 5, 11, and 12 shall be subject to aggravated punishment by up to 1/2 of the penalty stipulated for such

crime.

- (3) Any attempt who commits any of the crimes under paragraph (1) 2 through 5, 11, and 12 and (2) shall be punished.

Article 64 (Penalty Provisions) Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won:

1. Any person who makes a false report under Article 8 (2) and (3);
2. Any person who handles psychotropic drugs without making a report or a report of modification, or by making a false report in violation of Article 11 (1) through (4);
3. Any person who handles psychotropic drugs by means of making a false report, in violation of Article 12 (1), or handles psychotropic drugs without stating required matters or by stating falsely, in violation of Article 17;
4. Any person who violates orders, or fails to make reports or declarations, under Article 36 or 43, or who handles marijuana, in violation of orders thereunder or by means of false reports or declarations;
5. Any person who disposes of psychotropic drugs, in violation of Article 12 (2);
6. Any person who destroys marijuana, in violation of Article 12 (2);
7. Any person who handles marijuana, in violation of Article 13 (1);
8. Any person who handles psychotropic drugs, in violation of Article 13 (1), 16, 26 (2), 32 (1), 33 (2), or 34;
9. Any person who fails to transfer or hand over psychotropic drugs to a person handling narcotics, in violation of Articles 13 (1) and 33 (2);
10. Any person who violates Article 14;
11. Any person who stores narcotics (excluding psychotropic drugs), in violation of Article 15;
12. Any person who handles psychotropic drugs as the other party to any offense violating Article 26 (2);
13. Any person who fails to keep a book, or who makes false entries or reports, in violation of Article 35 (2) and (3);
14. Any person who fails to destroy marijuana or who refuses, obstructs, or abstains from relevant disposals, in violation of Article 36 (2) or 42 (2);
15. Any person who sells or uses narcotics, in violation of Article 38 (2);
16. Any person handling psychotropic drugs or any person handling basic substances for narcotics, who violates orders under Article 41 (1) (including the case applied mutatis mutandis in Article 5-2 (5)), 42, or 43 without justifiable reasons or makes false reports in violation thereof, or who refuses, obstructs, or evades inspection, collection, seizure, or disposition;
17. Any person handling marijuana, who refuses, obstructs, or evades the entry, search, inspection, or collection under Article 41 (1) (including the case applied mutatis mutandis in Article 5-2 (5)) without justifiable reasons;
18. Any person who handles psychotropic drugs by doing business during the period of suspension of business under Article 44;
19. Any person who handles marijuana by doing business during the period of suspension of business under Article 44;
20. Any person who makes a false report under Article 51 (7).

Article 65 Deleted.

Article 66 (Concurrent Impositions of Suspension of Qualification or Fines) (1) Any person who commits any of the crimes under Articles 58 and 59 may be concurrently punished by a suspension of qualification for not more than ten years or by a fine not exceeding 100 million won.

(2) Any person who commits any of the crimes under Articles 60 through 64 may be concurrently punished by a suspension of qualification for not more than five years or by a fine as provided in the respective Articles concerned (limited to the crimes punishable by imprisonment with labor).

Article 67 (Confiscation) Any narcotics, temporary narcotics, facilities, equipment, funds, or means of transportation that have been furnished for the purpose of crimes as defined by this Act as well as any proceeds derived therefrom shall be confiscated: Provided, That where they are not confiscable, the value equivalent thereto shall be collected.

Article 68 (Joint Penalty Provisions) Where the representative of a corporation, or an agent, an employee, or other person of the corporation or an individual commits an offense prescribed by this Act with respect to the affairs of narcotics on behalf of the corporation or the individual, the corporation or the individual, in addition to the offender concerned, shall also be punished by a fine not exceeding 100 million won (in cases of marijuana, 50 million won); in cases of the crimes defined in Articles 61 through 64, a fine provided for in the respective Articles concerned shall be imposed: Provided, That the foregoing shall not apply to cases where a corporation or an individual had not neglected reasonable care and supervision in connection with the relevant matter to prevent such offense.

Article 69 (Administrative Fines) (1) Any of the following persons shall be subject to an administrative fine not exceeding five million won:

1. Any person who fails to report under Article 8 (2) and (3);
2. Deleted.
3. Where the amount of psychotropic drugs possessed by medical practitioners handling narcotics, managers of narcotics, the retailers of narcotics, for medical practice, animal treatment or pharmaceutical purposes are different from the reported total stock, in violation of Article 11 (1) through (4);
4. Deleted.
5. Any person who fails to report under Articles 12 (1), 35 (2) or 51 (7);
6. Any person who stores psychotropic drugs, in violation of Article 15;
7. Any person who fails to preserve records, in violation of Article 32 (3);
8. Any person who fails to report to the relevant authorities granting permission on reasons of transfer after handing over narcotics, in violation of Article 33 (2);
9. Any person who fails to preserve a book, in violation of Article 35 (4).

(2) The administrative fines under paragraph (1) shall be imposed and collected by the Minister of Food and Drug Safety, a Mayor/Do Governor, or the head of a Si/Gun/Gu, as prescribed by Presidential Decree, taking into account of the type, severity, etc. of the violations.