Act on The Control of Narcotics, etc.

1. 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 narcotics, psychotropic drugs, marijuana, or other basic substances for such narcotics, etc. under appropriate control and handling, thus preventing the harm and danger to the public health that may arise from the misuse or abuse thereof. <Amended by Act No. 6824, Dec. 26, 2002>

   Article 2 (Definitions)
   - The terms used in this Act shall be defined as follows: <Amended by Act No. 6824, Dec. 26, 2002; Act No. 7098, Jan. 20, 2004: Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
   - 1. The term "narcotics, etc." means narcotics, psychotropic drugs and marijuana;
   - 2. The term "narcotics" means a substance falling under any of the following items:
     - (a) Poppy, opium or coca leaves;
     - (b) All alkaloids extracted from poppy, opium, or coca leaves, which shall be determined by the Presidential Decree;
     - (c) Chemical compounds, similar to those listed in items (a) and (b), which are feared to be abused or to cause harmful effects, and which shall be determined by the Presidential Decree;
     - (d) A mixture or preparation that contains substances as listed in items (a) through (c): Provided, that this shall exclude a mixture or preparation that cannot be re-manufactured or re-prepared as any of the drugs or substances listed in items (a) through (c) as it has been blended with other pharmaceuticals or substances nor cause any physical or psychological dependence and that shall be determined by Ordinance of the Ministry of Health and Welfare (hereinafter referred to as "non-addictive narcotic substances");
   - 3. Poppy, opium and coca leaves listed in subparagraph 2 (a) shall be defined as follows:
     - (a) The term "poppy" means the plant of the species Papaver Somniferum L and Papaver Setigerum D or C;
     - (b) The term "opium" means the coagulated sap extracted from poppy and its processed
substance (excluding the substances processed into pharmaceutical drugs);

(c) The term "coca leaves" means 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 ecdgonine, cocaine and ecdgonine alkaloids have been entirely removed;

4. 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 the Presidential Decree:

(a) A drug or a substance containing 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, due to lack of safety, lead to severe physical or psychological dependence;

(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 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 preparation that contains drugs or substances as listed in items (a) through (d): Provided, That this shall exclude a mixture or preparation that cannot be re-manufactured or re-prepared as any of the drugs or substances listed in items (a) through (d) as it has been blended with other pharmaceuticals or substances nor cause any physical or psychological dependence, which are prescribed by Ordinance of the Ministry of Health and Welfare;

5. The term "marijuana" means the hemp plant (Cannabis Sativa L), the resin extracted therefrom, and all the products manufactured using the hemp plant or its resin as their raw materials: Provided, That this shall exclude the seeds and roots of the hemp plant, the mature stalks of such plant, and the products manufactured using them;

6. The term "persons authorized to handle narcotics, etc." means a person who falls under any of the following items (a) through (g) and has been authorized or designated under this Act, and also a person who falls under any of the following items (h) and (i):

(a) An importer and exporter of narcotics, etc.: Referring to a person who is in the business of import of narcotics, or import-export of psychotropic drugs;

(b) A manufacturer of narcotics, etc.: Referring to a person who is in the business of manufacture of narcotics or psychotropic drugs (including preparations and subdivisions thereof; hereinafter the same shall apply);

(c) A user of raw materials of narcotics, etc.: Referring to a person who uses narcotics or psychotropic drugs as raw materials in manufacturing non-addictive narcotic substances 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, etc.: Referring to a person who is in the business of sale of narcotics or psychotropic drugs to the retailers of narcotics, etc., medical practitioners handling narcotics, etc., managers of narcotics, etc., and academic researchers handling narcotics, etc.;

(f) A manager of narcotics, etc.: Referring to a pharmacist serving in a medical institution under the Medical Service Act (hereinafter referred to as "medical institution") who is responsible for the preparation, giving or receiving, and control of narcotics or psychotropic drugs that are dosed, or delivered to be dosed, to the patients at the medical institution;

(g) An academic researcher handling narcotics, etc.: Referring to a person who uses narcotics or psychotropic drugs, cultivates the hemp plants, or imports and uses marijuana for the purposes of academic research;

(h) A retailer of narcotics, etc.: 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 narcotics or psychotropic drugs prepared according to prescriptions written by a medical practitioner handling narcotics, etc.;

(i) A medical practitioner handling narcotics, etc.: Referring to a person who is, for the purposes of medical treatment or animal care, obliged to dose narcotics or psychotropic drugs, deliver them for a prescribed dose, or give prescriptions therefor, as a physician, dentist, or physician of Chinese medicine working at a medical institution in the service of medical treatment, or as a veterinarian engaged in the care of the animals under the Veterinarian Act;

7. The term "basic substance for narcotics, etc." means a substance, which is not of narcotics, etc., used for the manufacture of narcotics or psychotropic drugs, which are prescribed by the Presidential Decree;

8. The term "person handling basic substance for narcotics, etc." means a person who is engaged in the manufacture, import and export, or trade of basic substance for narcotics, etc. or otherwise who uses such basic substance;

9. The term "narcotics, etc. for military use" means the narcotics, etc. that are managed by the Ministry of Defense, the agencies under its direct control, and land, sea and air forces;

10. The term "treatment and protection" means hospital treatment and outpatient treatment for returning a narcotic addict to a healthy member of society by having the addict overcome his/her psychological and physical dependence on narcotics, etc. and preventing from a relapse.

**Article 3 (Prohibition of General Conducts)**

- No person shall conduct any act falling under any of the following subparagraphs: <Amended by Act No. 6824, Dec. 26, 2002>
  - 1. Use of narcotics, etc. that is not allowed under this Act;
  - 2. Export of narcotics;
  - 3. Cultivation of any plants that are used as raw material for narcotics, or carrying, possession, management, import and export, trade, assistance in the trade, or giving or receiving of any raw materials, seeds or seedlings that contain narcotic ingredients of such plants, or otherwise an act of extracting narcotic ingredients therefrom: Provided, That the same shall not apply in case a relevant permission has been obtained from the Commissioner of the Korea Food and Drug Administration under the conditions prescribed by the Presidential Decree;
4. Any act of carrying, possessing, managing, importing, manufacturing, trading, assisting in trade of, giving or receiving, transporting, using, dosing or delivering for a prescribed dose, the diacetylmorphine, its salts or other substance containing such salts: Provided, That the same shall not apply in case a relevant permission has been obtained from the Commissioner of the Korea Food and Drug Administration under the conditions prescribed by the Presidential Decree;

5. Any act of manufacturing, importing and exporting, trading, assisting in trade of, giving or receiving, carrying, possessing, or using, basic substance for narcotics, etc. in an attempt to manufacture narcotics or psychotropic drugs: Provided, That the same shall not apply in case a relevant permission has been obtained from the Commissioner of the Korea Food and Drug Administration under the conditions prescribed by the Presidential Decree;

6. Any act of carrying, possessing, using, managing, importing and exporting, manufacturing, trading, assisting in trade of, or giving or receiving, the psychotropic drug under subparagraph 4 (a) of Article 2 or psychotropic drug containing this: Provided, That the same shall not apply in case a relevant permission has been obtained from the Commissioner of the Korea Food and Drug Administration under the conditions prescribed by the Presidential Decree;

7. Any act of extracting psychotropic ingredients from plants that are raw materials used for the psychotropic drugs under subparagraph 4 (a) of Article 2, acts of importing and exporting, trading, assisting in trade of, giving or receiving, or smoking or taking in such plants, or other acts of carrying or possessing these plants for the purpose of smoking or intake: Provided, That the same shall not apply in cases where a relevant permission has been obtained from the Commissioner of the Korea Food and Drug Administration under the conditions prescribed by Presidential Decree;

8. Any act of importing or exporting marijuana: Provided, That the same shall not apply in cases where an academic researcher handling narcotics, etc. imports such item after he/she has obtained permission from the Commissioner of the Korea Food and Drug Administration under the conditions prescribed by the Presidential Decree;

9. Any act of manufacturing marijuana (excluding the hemp plant): Provided, That the same shall not apply in case an academic researcher handling narcotics, etc. manufactures such item after he/she has obtained permission from the Commissioner of the Korea Food and Drug Administration under the conditions prescribed by Presidential Decree;

10. Any act of trading, or assisting in the trade of, marijuana;

11. Any act of smoking or taking in marijuana or marijuana seed coats, or any act of carrying marijuana, its seeds, or its seed coats for the purpose of smoking or intake, or an act of trading marijuana seeds or marijuana seed coats or providing assistance in the trade thereof, when the person is aware of the likely results of such act;

12. Any act of providing other person with places, facilities, equipment, funds, or means of transportation available for carrying out such acts prohibited under the main sentence of Article 4 (1) or subparagraphs 1 through 11 of the same Article.

Article 3-2 (Responsibilities and Duties of 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, etc. 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.

[This Article Newly Inserted by Act No. 9024, Mar. 28, 2008]

Article 4 (Prohibition of Handling Narcotics, etc. by Unauthorized Persons)

(1) No person other than a person authorized to handle narcotics, etc. shall be allowed to carry, possess, use, transport, control, import, export (limited to psychotropic drugs), manufacture, prepare, dose, trade, assist in trade of, give or receive, or deliver narcotics or psychotropic drugs: to cultivate, carry, possess, give or receive, transport, provide custody for, or use marijuana; to issue prescriptions for narcotics or psychotropic drugs; or to manufacture the non-addictive narcotic substance: Provided, That the same shall not apply to any of the following cases:

<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

1. Where a person holds the narcotics or psychotropic drugs that have been dosed by a medical practitioner handling narcotics, etc. in accordance with this Act;
2. Where a person holds the narcotics or psychotropic drugs that have been purchased from, or transferred by, a retailer of the narcotics, etc. in accordance with this Act;
3. Where a person transports, keeps in custody, holds or controls narcotics, etc. on behalf of a person authorized to handle narcotics, etc. under this Act;
4. Where a public official has under his/her controls such narcotics, etc. as have been seized, collected or confiscated in the process of performing the duties;
5. Where a person who is disqualified from handling narcotics, etc. holds narcotics, etc. pending the transfer thereof to a person authorized to handle narcotics, etc. under Article 13;
6. Other cases where a relevant permission is obtained from the Commissioner of the Korea Food and Drug Administration under the conditions determined by Ordinance of the Ministry of Health and Welfare.

(2) A person authorized to handle narcotics, etc. shall not handle the narcotics, etc. without being subject to this Act: Provided, That this shall not apply where a relevant permission has been obtained from the Commissioner of the Korea Food and Drug Administration under the conditions prescribed by the Presidential Decree.

(3) Necessary matters concerning the methods and procedures for the transport, custody or carrying of marijuana under paragraph (1) 3 shall be determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 5 (Restrictions on Handling Narcotics, etc.)

(1) A person authorized to handle narcotics, etc. shall not conduct acts stipulated in the main sentence of Article 4 (1) for purposes other than those of the authorized business or service.

(2) No person who carries, possesses, transports or controls narcotics, etc. under this Act shall use them for purpose other than those provided in this Act.

(3) The Commissioner of the Korea Food and Drug Administration may, if deemed necessary for the public interest, prohibit or restrict the import, export (limited to psychotropic drugs), manufacture, sale or use of narcotics or psychotropic drugs, or take other necessary measures under the conditions prescribed by the Presidential Decree.

CHAPTER II. Licenses, etc.
Article 6 (Licenses or Designations of Handlers of Narcotics, etc.)

1. Any person who intends to become a person authorized to handle narcotics, etc. shall meet any of the qualifications under the following subparagraphs and where the person meets the qualification under subparagraph 1, 2, or 4, he/she shall obtain a license from the Commissioner of the Korea Food and Drug Administration, where the person meets the qualification under subparagraph 3, from a Special Metropolitan City Mayor, a Metropolitan City Mayor or a Do Governor (hereinafter referred to as a "Mayor/Do Governor"), and where the person meets the qualification under subparagraph 5, from the head of a Si/Gun/Gu (limited to the head of the autonomous Gu; hereinafter the same shall apply) respectively, under the conditions prescribed by Ordinance of the Ministry of Health and Welfare. In cases where the person intends to modify the licensed matters, the same shall also apply: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9024, Mar. 28, 2008; Act No. 9717, May 27, 2009; Act No. 9932, Jan. 18, 2010>

i. In cases of a license for an importer and exporter of narcotics, etc., a person who has obtained a pharmaceutical product license from the Commissioner of the Korea Food and Drug Administration or has reported the product to him/her, as a licensed importer under the Pharmaceutical Affairs Act.

ii. In cases of a license for a manufacturer of narcotics, etc. or a user of raw materials of narcotics, etc., a person who has obtained a license for the manufacture of pharmaceuticals under the Pharmaceutical Affairs Act.

iii. In cases of a license for a wholesaler of narcotics, etc., a person who has opened a registered drug store under the Pharmaceutical Affairs Act, or has obtained a license for wholesaler of pharmaceuticals thereunder.

iv. In cases of a license for the academic researcher handling narcotics, etc., a person who is required to use narcotics, etc. for the purpose of academic research at a research institute, academic institution, etc.

v. In cases of a license for a marijuana cultivator, a farmer under the subparagraph 2 (a) of Article 3 of the Framework Act on Agriculture, Fisheries, Rural Community and Food Industry who intends to cultivate the hemp plants for the purpose of collecting fibers or seeds therefrom.

2. Any person who intends to become a manager of narcotics, etc. shall be a pharmacist serving in a medical institution staffed by a medical practitioner handling narcotics, etc. and obtain a designation from a Mayor/Do Governor under the conditions prescribed by Ordinance of the Ministry of Health and Welfare. In cases where the person intends to modify the designated matters, the same shall also apply. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

3. Any person who falls under any of the following subparagraphs may not be granted a license for an importer and exporter of narcotics, etc., an academic researcher handling narcotics, etc. or a marijuana cultivator:

i. An incompetent, a quasi-incompetent or a minor;

ii. A psychopathic patient or a narcotics, etc. addict;

iii. A person in whose case three years have not passed yet since his/her imprisonment without prison labor or a heavier punishment, as declared by a court, was completely executed or since exemption from the execution of such imprisonment or punishment.
(4) Any person in whose case two years have not passed since he/she was subject to the revocation of the license for a person authorized to handle narcotics, etc. under Article 44 or any person in whose case one year has not passed since the revocation of the designation for an authorized person handling narcotics, etc. thereunder, may not be granted a license or a designation under paragraph (1) or (2).

Article 7 (Issuance and Registration of Licenses, etc.)

- (1) The Commissioner of the Korea Food and Drug Administration, a Mayor/ a Do Governor or the head of a Si/Gun/Gu (hereinafter referred to as "licensing authority"), who is authorized to grant a license or designation under Article 6 (1) or (2), shall, under the conditions prescribed by Ordinance of the Ministry of Health and Welfare, make an entry of the particulars of a license or designation so granted in the register of the persons authorized to handle narcotics, etc., and then issue a license certificate or a written designation. In cases of alteration of any items referred to in the license or designation, the same shall also apply. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

- (2) Any person who was licensed or designated under Article 6 (1) or (2) shall, if his/her license certificate or written designation is lost or damaged, have it reissued under the conditions determined by Ordinance of Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

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

- (1) A person authorized to handle narcotics, etc. shall not lend or transfer his/her license certificate or written designation.

- (2) Where a person authorized to handle narcotics, etc. closes or suspends his/her business relevant to handling the narcotics, etc., or reopens the suspended business, the person shall make a report thereon to the relevant licensing authority, under the conditions determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

- (3) Where a person authorized to handle narcotics, etc. falls under any of the following subparagraphs, each person shall make a report thereon to the relevant licensing authority, under the conditions determined by Ordinance of the Ministry of Health and Welfare: <Amended by Act No. 6824, Dec. 26, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
  1. In cases of death, the heir (where the heir is indefinite, referring to the manager of the properties to be inherited);
  2. In cases of incompetence, the guardian;
  3. In cases of dissolution of a corporation, the liquidator;
  4. In cases of completion of academic research, the academic researcher handling narcotics, etc.

- (4) Where paragraph (1) is violated or where there exists any reason referred to in paragraph (2) or (3), the relevant license or designation shall lose its validity.

- (5) Where the license or designation for a person authorized to handle narcotics, etc. has lost validity under paragraph (4) and Article 44 or if the licensing authority has taken measures to revoke such license or designation or to suspend the business concerned thereunder, the same
licensing authority shall record such measures it has taken on the register of the persons authorized to handle narcotics, etc., under the conditions as determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

CHAPTER III. Control of Narcotics, etc.

Article 9 (Restrictions on Giving or Receiving, etc.)

- (1) A person authorized to handle narcotics, etc. shall not take over narcotics, etc. from any other person than a person authorized to handle narcotics, etc.: Provided, That this shall not apply where a relevant permission has been obtained from the licensing authority under Article 13.

- (2) A person authorized to handle narcotics, etc. shall not transfer narcotics, etc. under his/her control, unless otherwise provided in this Act: Provided, That the same shall not apply in the cases falling under any of the following subparagraphs in which permission for transfer has been obtained from the Commissioner of the Korea Food and Drug Administration:
  1. Where he/she intends to transfer narcotics and psychotropic drugs that he/she carries, possesses or manages, to other authorized person handling narcotics, etc. as his/her item permit therefor has been revoked; 2. Where he/she intends to transfer narcotics, etc. to an academic researcher handling narcotics, etc. or to a person who has obtained permission for handling the narcotics, etc.

- (3) Where a manufacturer of narcotics, etc., a user of raw materials of narcotics, etc., or an academic researcher handling narcotics, etc. intends to transfer narcotics, etc. (excluding preparations) under his/her control to other manufacturer of narcotics, etc., other user of raw materials of narcotics, etc., or other academic researcher handling narcotics, etc., he/she shall obtain permission from the Commissioner of the Korea Food and Drug Administration under the conditions determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 6824, Dec. 26, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 10 (Purchase and Sales Forms)

- (1) Where a person authorized to handle narcotics, etc. intends to purchase or sell, or to give or receive, narcotics with other person authorized to handle narcotics, etc., both of them shall write the required items on such forms of narcotic purchase and of narcotic sales as authorized 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 (Keeping Records)

1. (1) A person authorized to handle narcotics, etc. shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, keep a record book stating narcotics under his/her control and shall, whenever narcotics are imported, manufactured, prepared, taken over, transferred, dosed, delivered for a prescribed dose, or used for an academic research, keep records of the names, quantities, and dates of use, of such narcotics, the address and name of the other party concerned, and, if the other party is also a person authorized to handle narcotics, etc.,
his/her classification and license number. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

2. (2) A person authorized to handle narcotics, etc. shall, under the conditions as determined by Ordinance of the Ministry of Health and Welfare, keep a book or register for recording the sale, giving or receiving of psychotropic drugs and shall, whenever he/she sells, gives or receives the psychotropic drugs, keep records thereof along with the signature or seal of the purchaser or transferee: Provided, That such a signature or seal may be omitted in the case of the sale of psychotropic drugs prepared by the retailer of narcotics, etc. under the prescription of a medical practitioner handling narcotics, etc., or in the case of a psychotropic drug as determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

3. (3) In a medical institution staffed by a manager of narcotics, etc., this manager of narcotics, etc. shall, notwithstanding paragraphs (1) and (2), keep records of the details of any narcotics or psychotropic drugs dosed or delivered for a prescribed dose by a medical practitioner handling the narcotics, etc. in the same medical institution.

4. (4) Books under paragraphs (1) through (3) shall be preserved for two years.

**Article 12 (Dealing with Narcotics, etc. Involved in Accident)**

(1) Any person authorized to handle narcotics, etc. or any other person who has obtained permission for handling narcotics, etc. shall, where any event or cause occurs falling under any of the following subparagraphs in respect of narcotics, etc. in his/her possession, report the fact without delay to the licensing authority concerned (in the case of a medical practitioner handling narcotics, etc., referring to the authority granting permission for, or receiving the report of, the establishment of the medical institution and in the case of a retailer of narcotics, etc., referring to the authority with which the opening of a drug store is registered; hereinafter the same shall apply), under the conditions determined by Ordinance of the Ministry of Health and Welfare: <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

1. 1. Losses caused by disasters;
2. 2. Missing or thefts;
3. 3. Deterioration, decomposition or damages.

(2) Where any person authorized to handle narcotics, etc. or any other person who has obtained permission for handling narcotics, etc. intends to dispose of narcotics, etc. in his/her possession due to a ground falling under the following subparagraphs, he/she shall do so, as determined by Ordinance of Health and Welfare: <Newly Inserted by Act No. 9024, Mar. 28, 2008; Act No. 9932, Jan. 18, 2010>

1. 1. Ground falling under paragraph (1) 3;
2. 2. Expiration of the period of use or the term of validity;
3. 3. Difficult circumstances in the aspect of inventory control or storage, even if the period of use or the term of validity has not expired.

**Article 13 (Disposal of Narcotics, etc. Possessed by Disqualified Persons)**

Where a person authorized to handle narcotics, etc. (excluding a manager of narcotics, etc.) is disqualified pursuant to Articles 8 and 44, the person authorized to handle narcotics, etc. concerned, his/her heir, his/her guardian, the liquidator and the surviving or newly formed
corporation after a merger shall transfer narcotics, etc. in possession to other person authorized to handle narcotics, etc. upon permission from the licensing authority concerned under the conditions determined by Ordinance of the Ministry of Health and Welfare: Provided, That where the heir or the corporation concerned is a person authorized to handle narcotics, etc., they shall not be required to transfer the narcotics, etc., upon permission from the licensing authority concerned, and in case the heir to the marijuana cultivator, or the manager, guardian, or corporation in charge of the inherited assets intends to become a marijuana cultivator and reports to the licensing authority thereon, he/she shall be deemed to have obtained a license under Article 6 (1) 5, of which grant shall be limited to the particular year concerned. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

**Article 14 (Advertisement)**

1. (1) It shall not be allowed to advertise narcotics and psychotropic drugs by any means other than newspapers or magazines professionally dealing with medical or pharmaceutical issues.

2. (2) Criteria for the advertisements of the narcotics and psychotropic drugs shall be determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

**Article 15 (Storage of Narcotics, etc.)**

A person authorized to handle narcotics, etc. and any person who handles narcotics, etc. in accordance with Article 4 (1) 3 through 6 shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, store the narcotics, etc. they keep in custody, hold or manage, separately from other ordinary medical supplies. As for narcotics in this case, they shall be stored at a firm place that is secured with a locking device. <Amended by Act No. 6824, Dec. 26, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

**Article 16 (Sealing)**

1. (1) An importer and exporter of narcotics, etc. and a manufacturer of narcotics, etc. shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, seal up the receptacles or wrappings of their imported or manufactured narcotics and psychotropic drugs with the sealing stamps issued by the Government: Provided, That this shall not apply to the preparations of psychotropic drugs. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

2. (2) A person authorized to handle narcotics, etc. shall not give or receive any narcotic or psychotropic drugs that have not been sealed up under paragraph (1): Provided, That this shall not apply in case permission has been obtained from the Commissioner of the Korea Food and Drug Administration under the conditions prescribed by the Presidential Decree.

**Article 17 (Information Printed on Containers, etc.)**

Descriptions determined by Ordinance of the Ministry of Health and Welfare shall be stated on the receptacles and wrappings of narcotics, psychotropic drugs and non-addictive narcotic substances or accompanying directions thereon. <Amended by Act No. 6824, Dec. 26, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

**CHAPTER IV. Persons Authorized to Handle Narcotics, etc.**

**Article 18 (Importer and Exporter of Narcotics, etc.)**
1. (1) Any person other than an importer and exporter of narcotics, etc. shall not import narcotics, or import or export psychotropic drugs.

2. (2) Where an importer and exporter of narcotics, etc. intends to import narcotics, or import or export psychotropic drugs, he/she shall obtain an item permit for each item he/she is to import or export from the Commissioner of the Korea Food and Drug Administration, in respect of its safety, efficacy, bio-equivalence, etc. under the conditions determined by Ordinance of the Ministry of Health and Welfare. In case of any modifications in a given item permit, the same shall apply. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9024, Mar. 28, 2008; Act No. 9932, Jan. 18, 2010>

3. (3) The Commissioner of the Korea Food and Drug Administration shall, if the application for a permit under paragraph (2) deems appropriate based on the result of an examination, grant a permit thereof. <Newly Inserted by Act No. 9024, Mar. 28, 2008>

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

**Article 19 (Import-Export Report)**

Where an importer and exporter of narcotics, etc. imports narcotics, or imports or exports psychotropic drugs, he/she shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, report to the Commissioner of the Korea Food and Drug Administration on matters concerning an import of narcotics or an import or export of psychotropic drugs as well as on matters concerning the sales of the imported narcotics and psychotropic drugs. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

**Article 20 (Sale of Imported Narcotics, etc.)**

No importer and exporter of narcotics, etc. shall sell the imported narcotics or psychotropic drugs to any person other than a manufacturer of narcotics, etc., user of raw materials of narcotics, etc., and wholesaler of narcotics, etc.

**Article 21 (Manufacturers of Narcotics, etc.)**

- (1) No person other than a manufacturer of narcotics, etc. shall manufacture narcotics and psychotropic drugs.

- (2) Where a manufacturer of narcotics, etc. intends to manufacture narcotics or psychotropic drugs, the manufacturer shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, obtain an item permit for each item he/she is to manufacture from the Commissioner of the Korea Food and Drug Administration. In case of any modifications in a given item permit, the same shall apply. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

- (3) The provisions of Article 18 (3) and (4) shall apply mutatis mutandis in the case of paragraph (2). <Amended by Act No. 9024, Mar. 28, 2008>

**Article 22 (Sale of Manufactured Narcotics, etc.)**

1. (1) No manufacturer of narcotics, etc. may sell narcotics he/she has manufactured to any person other than a wholesaler of narcotics, etc.

2. (2) No manufacturer of narcotics, etc. may sell psychotropic drugs he/she has manufactured to any person other than an importer and exporter of narcotics, etc., wholesaler of narcotics, etc., retailer of narcotics, etc., or medical practitioner handling narcotics, etc.
**Article 23 (Report on Manufacture of Narcotics, etc.)**

Where a manufacturer of narcotics, etc. has manufactured narcotics or psychotropic drugs, he/she shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, report to the Commissioner of the Korea Food and Drug Administration on matters concerning the manufacture of such items and sales thereof. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

**Article 24 (Users of Raw Materials of Narcotics, etc.)**

1. (1) No person other than a user of raw materials of narcotics, etc. shall manufacture the non-addictive narcotic substances or pharmaceuticals using the narcotics or psychotropic drugs as raw materials.

2. (2) Where a user of raw materials of narcotics, etc. intends to manufacture the non-addictive narcotic substances, he/she shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, obtain a permit for each item he/she is to manufacture from the Commissioner of the Korea Food and Drug Administration. In case of any modifications in a given item permit, the same shall apply. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

3. (3) Article 18 (3) and (4) shall apply mutatis mutandis in the case of paragraph (2). <Amended by Act No. 9024, Mar. 28, 2008>

**Article 25 (Report on Use of Narcotics, etc. as Raw Materials)**

Where a user of raw materials of narcotics, etc. manufactures the non-addictive narcotic substances or pharmaceuticals using the narcotics or psychotropic drugs as raw materials, he/she shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, report to the Commissioner of the Korea Food and Drug Administration on matters concerning the use of such items. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

**Article 26 (Wholesalers of Narcotics, etc.)**

1. (1) A wholesaler of narcotics, etc. shall not sell narcotics to any person other than a retailer of narcotics, etc., medical practitioner handling narcotics, etc., manager of narcotics, etc. or academic researcher handling narcotics, etc. within a Special Metropolitan City, a Metropolitan City or a Do region, where the business place is located: Provided, That this shall not apply where he/she sells narcotics upon permission of the relevant licensing authority.

2. (2) A wholesaler of narcotics, etc. shall not sell psychotropic drugs to any person other than an academic researcher handling narcotics, etc., wholesaler of narcotics, etc., retailer of narcotics, etc., medical practitioner handling narcotics, etc., or manager of narcotics, etc.: Provided, That this shall not apply where he/she sells narcotics upon permission of the relevant licensing authority. <Amended by Act No. 6824, Dec. 26, 2002>

**Article 27 (Wholesale Report of Narcotics)**

A wholesaler of narcotics, etc. who handles narcotics shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, report to the licensing authority concerned on matters concerning the sales of such narcotics. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

**Article 28 (Retailers of Narcotics, etc.)**
1. No person other than a retailer of narcotics, etc. may 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, etc.: Provided, That this shall not apply where a medical practitioner handling narcotics, etc. is authorized to prepare it for himself under the Pharmaceutical Affairs Act.

2. (2) A retailer of narcotics, etc. shall preserve for two years the prescriptions on which he/she has prepared narcotics or psychotropic drugs.

**Article 29 (Retail Report of Narcotics)**

When a retailer of narcotics, etc. has sold narcotics, he/she shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, report matters concerning such sale to a Mayor/Do Governor in whose jurisdiction his/her drug store is located. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

**Article 30 (Medical Practitioner Handling Narcotics, etc.)**

Any person other than a medical practitioner handling narcotics, etc. shall not dose narcotics or psychotropic drugs or deliver a prescribed dose thereof for the purposes of medical treatment or the care of animals, or issue a prescription for narcotics or psychotropic drugs.

**Article 31 (Records on Dose of Narcotics)**

1. (1) A medical practitioner handling narcotics, etc. shall, separately from the cases of the ordinary pharmaceuticals, prepare, keep and preserve records of such particulars as the address, name (in the case of an animal, its species and the address and name of its owner), age, sex and name of disease of the patient for whom the narcotics are dosed or delivered to be dosed, and the name and quantity of the dosed narcotics or the name, quantity and date of a delivery of a prescribed dose of narcotics. <Amended by Act No. 9024, Mar. 28, 2008>

2. (2) The records under paragraph (1) shall be preserved for two years.

3. (3) In the case of paragraphs (1) and (2), the manager of narcotics, etc., if any, shall prepare, keep and preserve the relevant records in the medical institution where he/she belongs to.

**Article 32 (Indications on Prescriptions)**

1. (1) A medical practitioner handling narcotics, etc. may not dose a narcotic or psychotropic drug or deliver a prescribed dose thereof, unless on prescription: Provided, That the same shall not apply where a medical practitioner handling narcotics, etc., 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 doses such a narcotic or psychotropic drug or delivers a prescribed dose thereof by himself.

2. (2) Where a medical practitioner handling narcotics, etc. gives a prescription for narcotics, the practitioner shall state the location of business place, the trade name or title, and his/her license number on such a prescription in which he/she shall also enter the address, name, sex, and age of the patient to whom the said prescription is given and the name of disease from which the patient suffers along with the date of issuance of the prescription and then sign or seal on it; and the practitioner shall prepare, keep and preserve the relevant records separately from the cases of the ordinary pharmaceuticals. <Amended by Act No. 6824, Dec. 26, 2002>

3. (3) The records referred to in paragraphs (1) and (2) shall be preserved for two years.
Article 33 (Managers of Narcotics, etc.)

1. (1) The representative of a medical institution where four or more medical practitioners handling narcotics, etc. carry out medical treatment shall employ a manager of narcotics, etc. for the medical institution: Provided, That this shall not apply in the case of a medical institution where only the psychotropic drugs are handled.

2. (2) Where a manager of narcotics, etc. 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, etc. under his/her control to other manager of narcotics, etc. (if other manager of narcotics, etc., is not available, a medical practitioner handling narcotics, etc., until a successor of the manager of narcotics, etc. is decided) and report to the licensing authority concerned on reasons for such measures:
   1. Where the designation of a manager of narcotics, etc. loses its validity under Article 8 (4);
   2. Where the designation of a person authorized to handle narcotics, etc. has been revoked or his/her service has been suspended under Article 44.

Article 34 (Control of Narcotics, etc.)

In connection with its control of narcotics and psychotropic drugs, a medical institution employing a manager of narcotics, etc. shall not be allowed to dose narcotics or psychotropic drugs or deliver them for a prescribed dose, unless they have been purchased or controlled by its manager of narcotics, etc. in order to be dosed or delivered for a prescribed dose at the same medical institution.

Article 35 (Academic Researchers Handling Narcotics, etc.)

1. (1) A person other than an academic researcher handling narcotics, etc. shall not use the narcotics, etc. for the purposes of academic research.

2. (2) Where an academic researcher handling narcotics, etc. uses narcotics for an academic research, cultivates the hemp plants, or imports and uses marijuana for an academic research, he/she shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, keep a record of the matters concerning such use (including the current condition of hemp cultivation) and research, and report to the Commissioner of the Korea Food and Drug Administration on such matters. <Amended by Act No. 6824, Dec. 26, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

3. (3) Where an academic researcher handling narcotics, etc. uses psychotropic drugs for an academic research, he/she shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, keep records of the matters concerning such use and research. <Amended by Act No. 6824, Dec. 26, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

4. (4) An academic researcher handling narcotics, etc. shall preserve for two years the written records which he/she has kept in accordance with paragraphs (2) and (3). <Newly Inserted by Act No. 6824, Dec. 26, 2002>

Article 36 (Report by Hemp Plant Cultivator)

1. (1) A hemp plant cultivator shall, under the conditions determined by Ordinance of the Ministry of Health and Welfare, report to the head of a Si/Gun/Gu on the cultivated area, current status of harvest and the amount of crops pertaining to the hemp plant cultivation. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
2. (2) A hemp plant cultivator shall destroy all other parts of the hemp crops he/she has harvested except their seeds, roots and mature stalks by burning, burying or any other means that can prevent an abuse thereof, and thereafter report to the head of a Si/Gun/Gu on the results thereof under the conditions determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 37 (Restrictions on Licenses, etc.)
The licensing authority may, if it is deemed that a potential misuse or abuse of narcotics, etc. is feared to cause harm and danger to public health, specify a particular area or item and exclude it from the scope of license or designation in connection with the grant of the license or designation referred to in Articles 6, 18, 21 and 24. In such cases, the matters concerning the particular area or item shall be publicly announced in advance.

Article 38 (Obligations of Control of Person Authorized to Handle Narcotics, etc.)
1. (1) A manufacturer of narcotics, etc. or a user of raw materials of narcotics, etc. shall observe such requirements prescribed by Ordinance of the Ministry of Health and Welfare in respect of the guidance and supervision of his/her employees, control of quality, and other matters concerning narcotics, psychotropic drugs and non-addictive narcotic substances. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>
2. (2) A person authorized to handle narcotics, etc. shall not sell or use any narcotics, etc. that have been deteriorated, decomposed, contaminated, or damaged or of which the period of use or the term of validity has expired. <Newly Inserted by Act No. 6824, Dec. 26, 2002>
3. (3) When a person authorized to handle narcotics, etc. performs the work of business, he/she shall observe such requirements as prescribed by the Presidential Decree in order to prevent the theft or abuse of narcotics, etc. for medical use. <Newly Inserted by Act No. 6824, Dec. 26, 2002>

CHAPTER V. Narcotic Addicts

Article 39 (Prohibition of Use of Narcotics)
No medical practitioner handling narcotics, etc. may dose narcotics or deliver them for a prescribed dose, or issue a prescription for narcotics in order 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. <Amended by Act No. 9024, Mar. 28, 2008; Act No. 9932, Jan. 18, 2010>

Article 40 (Treatment and Protection of Narcotic Addicts)
1. (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 in order to test a person using narcotics, etc. for narcotic addiction or to treat and protect those who have been found diagnosed as a narcotic addict. <Amended by Act No. 9024, Mar. 28, 2008; Act No. 9932, Jan. 18, 2010>
2. (2) The Minister of Health and Welfare or a Mayor/Do Governor may have a person using narcotics, etc. 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 testing shall be limited to one month or less, and the
period of medical treatment and protection to twelve months or less. <Amended by Act No. 7098, Jan. 20, 2004; Act No. 9024, Mar. 28, 2008; Act No. 9932, Jan. 18, 2010>

3. (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. <Amended by Act No. 9024, Mar. 28, 2008; Act No. 9932, Jan. 18, 2010>

4. (4) In order to carry out functions with respect to deliberation on matters concerning the test and the 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, and Dos, respectively. <Amended by Act No. 9024, Mar. 28, 2008; Act No. 9932, Jan. 18, 2010>

5. (5) Necessary matters concerning 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. (1) The Commissioner of the Korea Food and Drug Administration, a Mayor/Do Governor, or the head of a Si/Gun/Gu may, if deemed necessary to supervise and control the conditions under which narcotics, etc. and basic substances for narcotics, etc. are handled by persons authorized to handle narcotics, etc. and the persons authorized to handle basic substances for narcotics, etc., direct the relevant public official to enter any of their business places, factories, warehouses, sites of the hemp plant cultivation, drugstores, places for pharmaceutical preparation, and other places related to narcotics, etc. and basic substance for narcotics, etc., and to inspect their structures, facilities, business conditions, records and documents, medical supplies and other goods, put questions to the persons concerned, or collect the samples of narcotics, etc., basic substances for narcotics, etc., and pharmaceuticals and articles deemed to be related thereto in as minimal a portion as deemed necessary for the test of samples, under the conditions determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 6824, Dec. 26, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

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

Article 42 (Orders, etc. for Destruction)

1. (1) The Commissioner of Korea Food and Drug Administration, a Mayor/Do Governor, or the head of a Si/Gun/Gu may order a person authorized to handle narcotics, etc. to destroy or to take other necessary measures against the narcotics, etc. which have been reported pursuant to Article 12 or the narcotics, etc. of which transfer has failed to be permitted pursuant to Article 13 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 any occurrence of danger and harm to the public health. <Amended by Act No. 6824, Dec. 26, 2002>
2. (2) The Commissioner of the Korea Food and Drug Administration, a Mayor/Do Governor, or the head of a Si/Gun/Gu may, in any of such cases as set forth in the following subparagraphs, direct the relevant public official to destroy, seize or take other necessary measures against the articles, etc. in question: <Amended by Act No. 6824, Dec. 26, 2002>

1. 1. Where any person who has been given an order as provided in paragraph (1) fails to obey such an order;
2. 2. Where a hemp plant cultivator fails to carry out the destruction as provided in Article 36 (2);
3. 3. Where basic substances for narcotics, etc. have been manufactured, imported or exported, traded, assisted to be traded, given or received, held, possessed or used, in violation of subparagraph 5 of Article 3, or otherwise where they have been discovered to be stored for such purposes.

Article 43 (Business Reports, etc.)
The Commissioner of the Korea Food and Drug Administration, the Mayor/Do governor, or the head of a Si/Gun/Gu may order the persons authorized to handle narcotics, etc. and the persons authorized to handle basic substances for narcotics, etc. to report necessary matters with respect to their business or to submit books, documents and other relevant items. <Amended by Act No. 6824, Dec. 26, 2002>

Article 44 (Revocation of Licenses, etc. and Business Suspension)
• (1) Where a person authorized to handle narcotics, etc. falls under any of the following subparagraphs, the licensing authority concerned may revoke his/her license (including the item permits) or designation under this Act, or may order the suspension of the whole or part of his/her business or use of narcotics, etc.: Provided, That, in the case of narcotics, psychotropic drugs, or non-addictive narcotic substances that cause or may cause harm or danger to the public health, the licensing authority may order no more than the alteration of the components or prescriptions of the narcotics, psychotropic drugs or non-addictive narcotic substances unless the causes of harm and danger are attributable to a person authorized to handle narcotics, etc. and in so far as the objectives of the license are deemed to be achievable by such alteration: <Amended by Act No. 9024, Mar. 28, 2008; Act No. 9932, Jan. 18, 2010>

o 1. Where a full or partial suspension of the affairs or use of narcotics, etc. is ordered:
(a) Where he/she violates Article 5 (1) and (2);
(b) Where he/she fails to obtain modification license or modification designation under the latter part of the main sentence of Article 6 (1) and the latter part of paragraph (2) of the same Article;
(c) Where he/she fails to have a license certificate or written designation under Article 7 (2) re-issued;
(d) Where he/she transfers narcotics, etc, in violation of Article 9 (2) and (3); (e) Where he/she purchases or sells, gives or receives narcotics without exchanging a form of narcotic purchase and narcotic sales under Article 10 (1);
(f) Where he/she fails to preserve narcotics, etc., in violation of Article 10 (2);
(g) Where he/she fails to prepare, record or keep books or records false information, in violation of Article 11;
(h) Where he/she fails to report, or disposes of narcotics, etc. involved in an accident, in violation of Article 12;
(i) Where he/she advertises narcotics, etc., in violation of Article 14;
(j) Where he/she stores narcotics, etc., in violation of Article 15;
(k) Where he/she fails to seal narcotics, etc., or gives or receives narcotics, etc., which are not sealed, in violation of Article 16;
(l) Where he/she fails to state information, in violation of Article 17, or states false information;
(m) Where he/she fails to make reports, in violation of Articles 19, 23, 25, 27 and 29, or makes a false report;
(n) Where he/she sells narcotics, etc., in violation of Articles 20, 22 and 26;
(o) Where he/she doses 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;
(p) Where he/she fails to employ a manager of narcotics, etc., in violation of Article 33;
(q) Where he/she fails to keep and preserve records, in violation of Article 35 (2) through (4), or records false information;
(r) Where a cultivator of the hemp plant fails to cultivate the hemp plant for two consecutive years without justifiable grounds;
(s) Where he/she violates obligations of control under Article 38;
(t) Where he/she refuses, hinders or abstains from inspections, inquires and collection by a relevant public official, in violation of Article 41;
(u) Where he/she receive education, in violation of Article 50;

2. Where a license (including an item permit) or designation is revoked;
(a) Where he/she is disqualified under each subparagraph of Article 6 (3);
(b) Where he/she fails to obtain a permit or modification permit, in violation of Articles 18 (2), 21 (2) and 24 (2)
(c) Where he/she violates subparagraph 1 (a), (k), (t) or Article 9 (2) for not less than twice;
(d) Where he/she violates subparagraph 1 (g), (h), (p) or Article 9 (3) for not less than three times;
(e) Where he/she violates the standards determined by Ordinance of the Ministry of Health and Welfare concerning the content of active constituents of narcotics, rate of pharmaceutical loss, etc.

(2) The criteria for administrative dispositions under paragraph (1) shall be determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

**Article 45 (Hearings)**

Where the licensing authority intends to revoke the license or designation of a person authorized to handle narcotics, etc. under Article 44 (1), it shall hold a hearing.

**Article 46 (Disposition of Penalty Surcharges)**

1. (1) The licensing authority may, where it is to take measures to enforce the suspension of business as provided in Article 44 (1) on a person authorized to handle narcotics, etc., impose a penalty surcharge not exceeding 100 million won in lieu of such measures for the suspension of business under the conditions prescribed by the Presidential Decree. In such cases, the imposition of penalty surcharge shall be limited to such case as where these measures for the suspension of
business bring or may bring a serious harm or danger to the public health, and it shall not be imposed in excess of three times.

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

3. (3) Where the penalty surcharge under paragraph (1) has not been paid within a specified period, the licensing authority shall collect it by referring to the practices of dispositions on the national or local taxes in arrears.

Article 47 (Disposal of Illegal Narcotics)
With respect to the narcotics that are held, possessed, used, controlled, cultivated, imported or exported, manufactured, traded, assisted to be traded, given or received, dosed or delivered for a prescribed dose or used for preparation or research in violation of this Act or other Acts and subordinate statutes governing narcotics, the Commissioner of the Korea Food and Drug Administration may seize them or may take other measures as may be necessary for disposal thereof.

Article 48 (Narcotics, etc. Inspectors)
1. (1) The narcotics, etc. inspectors shall be assigned to the Korea Food and Drug Administration, Special Metropolitan City, Metropolitan Cities/ Dos, and Sis/ Guns/ Gus (limited to autonomous Gus; hereinafter the same shall apply) respectively, in order to have the perform the duties of public officials and other functions of inspection of narcotics, etc. under Articles 41 (1) and 42 (2).

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

Article 49 (Honorary Counselors for Narcotics, etc.)
1. (1) The Korea Food and Drug Administration, Special Metropolitan City, Metropolitan Cities, Dos, and Sis/Guns/Gus may appoint honorary counselors for narcotics, etc. to prevent misuse or abuse of narcotics, etc., to carry out publicity and awareness campaigns, etc.

2. (2) The qualifications for and the scope of functions of the honorary counselors for narcotics, etc. and other necessary matters shall be prescribed by the Presidential Decree.

Article 50 (Education for Persons Authorized to Handle Narcotics, etc.)
1. (1) The persons authorized to handle narcotics, etc. (excluding the hemp plant cultivators) shall receive narcotics, etc. control education conducted by the Commissioner of Korea Food and Drug Administration or a Mayor/Do Governor.

2. (2) Necessary matters concerning the method, frequency and details of the narcotics, etc. control education under paragraph (1) shall be determined by Ordinance of the Ministry of Health and Welfare. [Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010]

Article 51 (Control of Basic Substances for Narcotics, etc.)
1. (1) Any person who imports or exports basic substances for narcotics, etc. shall obtain permission from the Commissioner of the Korea Food and Drug Administration for each import or export he/she carries out. [Newly Inserted by Act No. 6824, Dec. 26, 2002]

2. (2) Any person who manufactures, imports or exports, gives or receives, or trades basic substances for narcotics, etc. shall keep a record of his/her manufacture, import or export, giving or receiving, or trade (hereafter in this Article referred to as "transaction"), and preserve it for two
years: Provided, That this shall not apply in the following cases: <Amended by Act No. 6824, Dec. 26, 2002; Act No. 9024, Mar. 28, 2008>

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 Toxic Chemicals Control Act;
3. In cases of the manufacture and transactions of the composite basic substances for narcotics, etc.;
4. In cases of lawful transactions that are carried out 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 the Presidential Decree.

3. (3) A person authorized to handle basic substances for narcotics, etc. shall, in such a case as falls under any of the following subparagraphs, report to the Minister of Justice or the Commissioner of the Korea Food and Drug Administration on such fact without delay: <Amended by Act No. 6824, Dec. 26, 2002; Act No. 9024, Mar. 28, 2008>

1. Where the purpose of the purchase of basic substances for narcotics, etc. is uncertain or where they may be used for the illegal manufacture of narcotics and psychotropic drugs;
2. Where basic substances for narcotics, etc. exceeding the amount prescribed by Presidential Decree has been stolen, missing, or involved in other accident.

4. (4) The matters reported under paragraph (3) shall be kept secret by the person authorized to handle basic substances for narcotics, etc. who reported under the same paragraph to the Minister of Justice or the Commissioner of the Korea Food and Drug Administration and by the public official who received such report. <Amended by Act No. 6824, Dec. 26, 2002>

5. (5) Necessary matters concerning the type of basic substances for narcotics, etc. subject to permission under paragraph (1) and the procedures for such permission shall be determined by the Presidential Decree. <Newly Inserted by Act No. 6824, Dec. 26, 2002>

6. (6) Such matters necessary for keeping a record of manufacture and transactions, preserving such records, and making reports under paragraphs (2) and (3), shall be determined by Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 6824, Dec. 26, 2002; Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

CHAPTER VII. Supplementary Provisions

Article 51-2(Establishment of Korean Association Against Drug Abuse)

• (1) The Korean Association Against Drug Abuse shall be established in order to carry out programs or projects set forth in the following subparagraphs:
  o 1. Publicity, awareness campaign and education programs designed to call national attention to the ill effects of narcotics, etc.;
  o 2. Social welfare programs designed to assist narcotic addicts in their restoration to the society;
  o 3. Other projects that are related to the eradication of the misuse or abuse of illegal narcotics, etc. and drugstuffs and that are deemed by the Commissioner of the Korea Food and Drug Administration to be necessary for such purposes.

• (2) The Korean Association Against Drug Abuse shall become incorporated.
(3) Except as provided 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 Government may, if deemed necessary, provide financial assistance to the Korean
Association Against Drug Abuse in carrying out the programs or projects as referred to in
paragraph (1).

(5) Necessary matters concerning the management, etc. of the Korean Association Against Drug
Abuse shall be determined by the 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. <Amended by Act No. 9932, Jan. 18,
2010>

(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. <Amended by Act No. 9932,
Jan. 18, 2010>

[This Article Newly Inserted by Act No. 9924, Mar. 28, 2008]

Article 52 (Collection of Data on Narcotics, etc.)
The Minister of Health and Welfare and the Commissioner of the Korea Food and Drug
Administration shall collect facts and data relating to the enforcement of this Act, and other Acts
and subordinate statutes concerning narcotics, etc. from each relevant agency of the Government,
and may request each such agency to submit the relevant material for necessary matters
concerning the narcotics, etc. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18,
2010>

Article 53 (Disposal Methods, etc. of Confiscated Narcotics, etc.)

1. (1) The narcotics, etc. confiscated under the conditions prescribed by this Act, and other Acts and
subordinate statutes shall be handed over to a Mayor/Do Governor.

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

3. (3) Necessary matters concerning 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,
etc. under this Act, and other Acts and subordinate statutes to the investigative authorities, or
arrests such criminal, prior to the discovery thereof by the investigative authorities shall be paid
appropriate rewards under the conditions determined by Presidential Decree.

Article 55 (Fees)
Any person who intends to be granted a license or designation, to modify the contents of a license
or designation, or to have his/her license certificate or written designation reissued under this Act,
shall pay fees under the conditions determined by Ordinance of the Ministry of Health and Welfare.
<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 56 (Delegation of Authority)
The authority of the Commissioner of the Korea Food and Drug Administration or Mayors/Do Governors under this Act may, under the conditions prescribed by Presidential Decree, be delegated in part to the heads of the Regional Food and Drug Administrations, other Mayors/Do Governors or the heads of Sis/Guns/Gus.

Article 56-2 (Special Case of Handling of Narcotics, etc. for Military Use)

- (1) In cases of narcotics, etc. for military use, the Minister of Defense shall, notwithstanding the provisions of this Act, have jurisdiction over possession, control, preparation, dosing, or giving or receiving, of such narcotics, etc., or the use thereof for academic research or issuance of a prescription thereof.

- (2) Necessary matters concerning the handling of narcotics, etc. for military use provided for in paragraph (1) shall be determined by Ordinance of the Ministry of Defense.

[This Article Newly Inserted by Act No. 6824, Dec. 26, 2002]

Article 57 (Application of Other Acts)

The provisions of the Pharmaceutical Affairs Act, except as provided by this Act, shall apply to the manufacture, control, etc. of the narcotics and psychotropic drugs.

CHAPTER VIII. Penal Provisions

Article 58 (Penal Provisions)

1. (1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for life or for not less than five years:

1. A person who imports or exports, manufactures, trades, or assists in the trade of, narcotics, or who holds or possesses narcotics for import or export, manufacture, trade, or assistance in trade, in violation of subparagraphs 2 through 4 of Article 3, or Article 4 (1), 18 (1) or 21 (1);

2. A person who manufactures, imports or exports basic substances for narcotics, etc. for the purpose of manufacturing the narcotics or psychotropic drugs, or who holds or possesses them for manufacture, import or export, in violation of subparagraph 5 of Article 3;

3. A person who manufactures, imports or exports, trades, assists in the trade of, or gives or receives, psychotropic drugs falling under subparagraph 4 (a) of Article 2, or other psychotropic drugs containing their substance, or who holds or possesses them for manufacture, import or export, trade, assistance in trade, or giving or receiving, in violation of subparagraph 6 of Article 3;

4. A person who obtains extraction from plants used as raw material for the psychotropic drugs under subparagraph 4 (a) of Article 2, or who imports or exports such plants, or holds or possesses them for import or export, in violation of subparagraph 7 of Article 3;

5. A person who imports or exports marijuana, or who holds or possesses it for import or export, in violation of subparagraph 8 of Article 3;

6. A person who manufactures, imports or exports psychotropic drugs falling under subparagraph 4 (b) of Article 2 or other psychotropic drugs containing their substance, or who holds or possesses them for manufacture, import or export, in violation of Article 4 (1); and

7. A person who gives, receives, prepares, doses, or delivers narcotics to a minor, or who trades, gives, receives, prepares, doses or delivers psychotropic drugs, in violation of Article 4 (1).

- (2) Any person who has committed any of the offenses under paragraph (1) for profit-making or from habit shall be punished by death penalty, imprisonment for life 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 thereof) and (2) shall be punished by imprisonment for not exceeding ten years.

Article 59 (Penal Provisions)

1. (1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for a limited term of a year or more: <Amended by Act No. 6824, Dec. 26, 2002>

1. 1. A person who holds, possesses, controls, gives or receives narcotics in violation of Article 4 (1), or who manufactures non-addictive narcotic substances in violation of Article 24 (1);

2. 2. A person who cultivates plants used as raw material for narcotics for the purpose of import, export, trade, or manufacture, or who holds or possesses raw materials, seeds, or seedlings containing their component, in violation of subparagraph 3 of Article 3;

3. 3. 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 3 of Article 3;

4. 4. A person who holds, possesses, controls, gives, receives, transports, uses, doses, or delivers for a prescribed dose, the diacetylmorphine, its salts, or other substance containing its salts, in violation of subparagraph 4 of Article 3;

5. 5. A person who trades, assists in the trade of, gives, or receives basic substances for narcotics, etc. for the purpose of manufacturing narcotics or psychotropic drugs, or who holds, possesses or uses it for the purpose of trade, assistance in trade, giving or receiving, in violation of subparagraph 5 of Article 3;

6. 6. A person who holds, possesses, uses, or controls psychotropic drugs or other psychotropic drugs containing their substance falling under subparagraph 4 (a) of Article 2 in violation of subparagraph 6 of Article 3;

7. 7. A person who trades, assists in the trade of, gives, or receives, plants used as raw material for psychotropic drugs under subparagraph 4 (a) of Article 2, or who holds or possesses them for trade, assistance in trade, giving or receiving, in violation of subparagraph 7 of Article 3;

8. 8. A person who manufactures, imports or exports psychotropic drugs or other psychotropic drugs containing their substance falling under subparagraph 4 (c) of Article 2, or who holds or possesses them for manufacture, import or export, in violation of Article 4 (1);

9. 9. A person who handles narcotics, etc. (excluding marijuana) in violation of Article 4 (2);

10. 10. A person who imports, exports or manufactures psychotropic drugs, or manufactures pharmaceuticals, in violation of Article 18 (1), 21 (1) or 24 (1);

11. 11. A person who cultivates the hemp plants for the purpose of the export, trade, or manufacture, of marijuana, in violation of Article 4 (1);

12. 12. A person who manufactures, trades, or assists in trade of marijuana, or who holds or possesses it for the purpose of manufacture, trade, or assistance in trade, of marijuana, in violation of subparagraph 9 or 10 of Article 3;

13. 13. A person who gives, receives or delivers marijuana to the minors, or has the minors smoke or take in marijuana or its seed coats, in violation of subparagraph 11 of Article 3 or Article 4 (1).
(2) Any person who habitually commits any of the crimes under paragraph (1) shall be punished by imprisonment for a limited term of three years or more.

(3) Any attempt to commit any of the crimes under paragraphs (1) (excluding subparagraph 6 thereof) and (2) shall be punished.

(4) A person who has premeditated or plotted to commit any of the crimes under paragraph (1) 12 shall be punished by imprisonment for not exceeding ten years.

**Article 60 (Penal Provisions)**

1. (1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for a period not exceeding ten years or by a fine not exceeding 100 million won:
   1. A person who handles the narcotics or delivers a prescription thereof in violation of Article 5 (1) and (2), 9 (1), 28 (1), 30, 35 (1) or 39;
   2. A person who uses narcotics or psychotropic drugs under subparagraph 4 (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 narcotics or psychotropic drugs under subparagraph 4 (a) of Article 2 in violation of subparagraph 12 of Article 3;
   3. A person who trades, assists in the trade of, gives or receives, holds, possesses, uses, controls, prepares, doses, or delivers, the psychotropic drugs or other psychotropic drugs containing their substance falling under subparagraph 4 (b) and (c) of Article 2, or who issues a prescription for psychotropic drugs, in violation of Article 4 (1);
   4. A person who manufactures, imports or exports psychotropic drugs or other psychotropic drugs containing their substance falling under subparagraph 4 (d) of Article 2, or who holds or possesses them for manufacture, import or export, in violation of Article 4 (1).

(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 to commit any of the crimes under paragraphs (1) and (2) shall be punished.

**Article 61 (Penal Provisions)**

1. (1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for a period not exceeding five years or by a fine not exceeding 50 million won:
   1. A person who cultivates plants used as raw material for narcotics, or who holds or possesses any raw material, seed or seedling containing their component, in violation of subparagraph 3 of Article 3;
   2. A person who smokes or takes in plants used as raw material for psychotropic drugs under subparagraph 4 (a) of Article 2, or who holds or possesses them for the purpose of smoking or taking them in or for the purpose of having others smoke or take them in, in violation of subparagraph 7 of Article 3;
   3. A person who uses psychotropic drugs (excluding the psychotropic drugs under subparagraph 4 (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 4 (a) of Article 2) and marijuana in violation of subparagraph 12 of Article 3;
4. A person who trades, assists in the trade of, gives, receives, holds, possesses, uses, controls, prepares, doses, or delivers, the psychotropic drugs or other psychotropic drugs containing their substance falling under subparagraph 4 (d) of Article 2, or who issues a prescription for psychotropic drugs, in violation of Article 4 (1);
5. A person who handles psychotropic drugs or marijuana in violation of Article 5 (1) and (2), 9 (1) or 35 (1);
6. A person who handles psychotropic drugs, or issues a prescription for them, in violation of Article 28 (1) or 30;
7. A person who cultivates, holds, possesses, gives, receives, transports, keeps in custody, or uses marijuana, in violation of Article 4 (1);
8. A person who smokes or takes in marijuana or the seed coats of the hemp plants, or who holds marijuana, the hemp plant seeds or its seed coats for the purpose of smoking or intake, or who trades or assists in the trade of, the hemp plant seeds or its seed coats while knowing the likely purposes of smoking or intake, in violation of subparagraph 11 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 person who attempts to commit any of the crimes under paragraph (1) 3 through 8 and paragraph (2) (excluding violations of paragraph (1) 1 and 2) shall be punished.

Article 62 (Penal Provisions)
1. (1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for three years or less or by a fine not exceeding 30 million won:
   o 1. A person who lends or transfers his/her license certificate or written designation verifying the authorized handling of narcotics in violation of Article 8 (1), or who handles narcotics in violation of Article 9 (2) and (3), 18 (2), 20, 21 (2), 22 (1), 24 (2) or 26 (1);
   o 2. A person who handles narcotics as the other party to any offense violating Article 9 (2), 20, 22 (1) or 26 (1).
2. (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. (3) Any person who attempts to commit any of the crimes under paragraphs (1) and (2) shall be punished.

Article 63 (Penal Provisions)
1. Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won: <Amended by Act No. 6824, Dec. 26, 2002; Act No. 9924, Mar. 28, 2008>
   1. Any person who handles narcotics in violation of Article 10 (1), 11 (1), (3) and (4), 16, 28 (2), 31, 32 (1) and (2), 33 (1) or 34;
   2. Any person who handles narcotics by means of making false entries in the form of narcotic purchase or that of narcotic sales under Article 10 (1), in the book under Article 11 (1), into the records under Article 31 (1), or in the prescription under Article 32 (2);
   3. Any person who violates orders, or fails to make reports (limited to Article 43), or entries, under Articles 12 (1), 17, 19, 23, 25, 27, 29, 35 (2), or 43, or who handles narcotics by means of violating orders making false reports, declarations or entries;
4. Any person who disposes of narcotics, in violation of Article 12 (2);
5. Any person who handles narcotics in violation of Articles 13 and 33 (2);
6. Any person authorized to handle narcotics, who refuses, obstructs or evades the visit, inspection, collection, etc. under Article 41 (1), or who refuses, obstructs or abstains from the disposition under Article 47, without any justifiable reasons;
7. Any person who handles narcotics by doing business during the period of suspension of business under Article 44;
8. Any person who deserts the medical treatment and protection facility under Article 40 (1) without any justifiable reasons, or who conceals a person who has deserted therefrom;
9. Any person who refuses, obstructs or abstains from a testing for narcotic addiction or a medical treatment and protection under Article 40 (2), without any justifiable reasons;
10. Any person who trades raw material by dividing it in small amount with an intent of avoiding an obligation to keep a record under Article 51 (2);
11. Any person who violates Article 51 (1) through (4);
12. Any person who lends or transfers his/her license certificate or a written designation verifying the authorized 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);
13. Any person who handles psychotropic drugs by being the other party to any offense in violation of Articles 9 (2), 20 and 22 (2);
14. Any person who handles psychotropic drugs, in violation of Article 18 (2) or 21 (2);
15. Any person who lends or transfers his/her license certificate verifying the authorized handling of marijuana, in violation of Article 8 (1), or who handles marijuana, in violation of Article 9 (2) and (3);
16. A person who handles marijuana as the other party to any offense in violation of Article 9 (2).

(2) Any person who habitually commits any of the crimes under paragraph (1) 7 and 11 through 15 shall be subject to an aggravated punishment by up to 1/2 of the penalty stipulated for such crime.

(3) Any attempt to commit any of the crimes under paragraphs (1) 7 and 11 through 15 and (2) shall be punished.

Article 64 (Penal Provisions)
1. Any person who falls under any of the following subparagraphs shall be punished by imprisonment for a year or less or by a fine not exceeding 10 million won: <Amended by Act No. 6824, Dec. 26, 2002; Act No. 9924, Mar. 28, 2008>
1. Any person who makes a false report under Article 8 (2) and (3);
2. Any person who violates Article 14;
3. Any person who handles psychotropic drugs in violation of Article 13, 16, 26 (2), 32 (1), 33 (2), 34 or 35 (3);
4. Any person who handles psychotropic drugs as the other party to any offense in violation of Article 26 (2);
5. Any person who fails to make entries under Article 12 (1), 17, 19, 23, 25, or who handles psychotropic drugs by making false reports, declarations or entries;
6. Any person who disposes of psychotropic drugs, in violation of Article 12 (2);
7. Any person who fails to transfer or hand over psychotropic drugs to a person authorized to handle narcotics, etc., in violation of Articles 13 and 33 (2);
8. Any person who handles psychotropic drugs without having a book or register to keep records thereon under Articles 11 (2) and 35 (3) or by means of false recording;
9. Any person handling psychotropic drugs or any person handling basic substances for narcotics, etc., who violates orders under Article 41 (1), 42 or 43 without any justifiable reasons or makes false reports in violation thereof, or who refuses, obstructs or evades inspection, collection, seizure, or disposition;
10. Any person who handles psychotropic drugs by doing business during the period of suspension of business under Article 44;
11. Any person who violates orders, or fails to make reports or declarations, under Article 12 (1), 35 (2), 36 or 43, or who handles marijuana in violation of orders thereunder or by means of false reports or declarations;
12. Any person who disposes of hemp, in violation of Article 12 (2);
13. Any person who fails to destroy marijuana or who refuses, obstructs or abstains from the relevant disposals, in violation of Article 36 (2) or 42 (2);
14. Any person who handles marijuana in violation of Article 13;
15. Any person authorized to handle marijuana, who refuses, obstructs or evades the search, inspection or collection under Article 41 (1) without any justifiable reasons;
16. Any person who handles marijuana by doing business during the period of suspension of business under Article 44;
17. Any person who stores narcotics, etc. (excluding psychotropic drugs), in violation of Article 15;
18. Any person who fails to keep a book, in violation of Article 35 (2);
19. Any person who sells or uses narcotics, etc., in violation of Article 38 (2).

Article 65 Deleted. <by Act No. 6824, Dec. 26, 2002>

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 as well as 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 as well as by a fine as provided in the respective Articles concerned (limited to the crimes punishable by imprisonment).

Article 67 (Confiscation)
Any narcotics, etc., 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 Penal 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, etc. 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 the case of marijuana, 50 million won): Provided, That in the case of the crimes defined in Articles 61 through 64, a fine provided for in the respective Articles concerned shall be imposed.

<Amended by Act No. 6824, Dec. 26, 2002>

Article 69 (Fines for Negligence)

- (1) Any person who falls under any of the following subparagraphs shall be sentenced to a fine for negligence not exceeding five million won:
  - 1. Any person who fails to make a report under Article 8 (2) and (3);
  - 2. Any person who fails to preserve a form of narcotic purchase and of narcotic sales, in violation of Article 10 (2);
  - 3. Where the amount of psychotropic drugs possessed by medical practitioners handling narcotics, etc., managers of narcotics, etc., the retailers of narcotics, etc., for medical, animal treatment or pharmaceutical purposes are different from the total stock recorded in a book, in violation of Article 11 (2);
  - 4. Any person who fails to keep and preserve a book of psychotropic drugs, in violation of Article 11 (3) and (4);
  - 5. Any person who fails to make a report, in violation of Articles 12 (1), 19, 23, 25, 27, 29, and 35 (2);
  - 6. Any person who stores psychotropic drugs, in violation of Article 15;
  - 7. Any person who violates Article 32 (3);
  - 8. Any person who fails to report to the licensing authority concerned on reasons of transfer after handing over narcotics, etc., in violation of Article 33 (2);

- (2) Fines for negligence under paragraph (2) shall be imposed and collected by the Commissioner of Korea Food and Drug Administration, a Special Metropolitan City Major, a Metropolitan City Major, a Do Governor, or head of each Si/Gun/Gu (hereinafter referred to as “imposing authority”), as prescribed by Presidential Decree, taking into account of the kind, gravity, etc. of violations.

- (3) Any person who is dissatisfied with the disposition of fines for negligence under paragraph (2) may raise an objection to the imposing authority within 30 days from the day on which he/she is notified of the disposition.

- (4) Where the person subject to the dispositions of fines for negligence under paragraph (2) raises an objection under paragraph (3), the imposing authority shall, without delay, notify the competent court of the fact thereof, and the court shall, upon receiving notification, submit the case to a trial for fines for negligence pursuant to the Non-Contentious Case Litigation Procedure Act.

- (5) If neither an objection is filed nor fines for negligence paid within the period under paragraph (3), the imposing authority shall collect the fines for negligence in accordance with the established practices related to dispositions of default on national or local taxes.

[This Article Newly Inserted by Act No. 9024, Mar. 28, 2008]

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2000.
**Article 2 (Abrogation of Acts)**

The Narcotics Act, the Psychotropic Drugs Control Act, and the Cannabis Control Act shall be hereby repealed.

**Article 3 (Transitional Measures on Licenses, Permits, Designations, Approvals, etc.)**

- (1) Those who were licensed or permitted as the narcotics importers or the importers-exporters of the psychotropic drugs under the Narcotics Act, the Psychotropic Drugs Control Act, and the Cannabis Control Act (hereinafter referred to as the "previous Acts") which are repealed pursuant to Article 2 of the Addenda at the time of the enforcement of this Act, shall be regarded as the importer-exporter of narcotics, etc. under Article 6 (1) 1; those who were licensed or permitted as the narcotic manufacturers, pharmaceutical manufacturers of narcotics, narcotics subdividers, or psychotropic drugs manufacturers thereunder, as the manufacturers of narcotics, etc. under Article 6 (1) 2; those who were licensed or permitted as the pharmaceutical manufacturers of non-addictive narcotic substances or users of raw materials of psychotropic drugs thereunder, as the users of raw materials of narcotics, etc. under Article 6 (1) 2; those who were licensed or designated as the wholesalers of narcotics or the wholesalers of psychotropic drugs thereunder, as the wholesalers of narcotics, etc. under Article 6 (1) 3; those who were licensed or permitted as the academic researchers handling the narcotics, the academic researchers of psychotropic drugs or the marijuana researchers thereunder, as the academic researchers handling the narcotics, etc. under Article 6 (1) 4; and those who were permitted as the marijuana cultivators thereunder, as the marijuana cultivators under Article 6 (1) 5.

- (2) Those who were licensed or designated as the narcotics managers or the psychotropic drug managers under the previous Acts at the time of the enforcement of this Act shall be regarded as the managers of narcotics, etc. under Article 6 (2).

- (3) Those who have obtained the licenses for the narcotics import item, narcotics manufacture item, pharmaceutical manufacture item of narcotics, or narcotics subdivision item, the pharmaceutical manufacture item of non-addictive narcotic substances, or psychotropic drug import-export item, or manufacture item of psychotropic drugs, under the previous Acts at the time of the enforcement of this Act, shall be regarded as having obtained the relevant item licenses under Article 18 (2), 21 (2) or 24 (2).

**Article 4 (Transitional Measures on Medical Treatment and Protection Facilities, etc. for Addicts to Narcotics, etc.)**

Those entities that were designated by the Commissioner of the Korea Food and Drug Administration or the Mayors/Do governors as the medical treatment and protection agencies under the previous Acts at the time of the enforcement of this Act, shall be regarded as the medical treatment and protection facilities under Article 40 (1), while the treatment and protection review committees that were established and operated by the Commissioner of the Korea Food and Drug Administration, Special Metropolitan City, Metropolitan Cities, and Dos shall be deemed to be the Medical Treatment and Protection Examination Commissions under Article 40 (4).

**Article 5 (Transitional Measures on Honorary Counselors for Narcotics, etc.)**
Those who were commissioned as honorary narcotics advisers, honorary advisers on psychotropic
drugs or honorary marijuana advisers under the previous Acts prior to the enforcement of this Act,
shall be deemed to be honorary counselors for narcotics, etc. under Article 49 (1).

**Article 6 (Transitional Measures on Dispositions, etc.)**

In addition to the matters under Articles 3 through 5 of the Addenda at the time of the
enforcement of this Act, the licenses or permits granted by the administrative agencies, or other
actions of the said agencies, or various declarations and other actions taken toward the
administrative agencies, under the previous Acts, shall be regarded as the dispositions of the
administrative agencies, or the actions toward the said agencies, pursuant to the provisions of this
Act corresponding thereto.

**Article 7 (Transitional Measures on Penal Provisions)**

The previous Acts shall govern in the application of penal provisions to the offenses committed in
violation of the previous Acts prior to the enforcement of this Act.

**Article 8 Omitted.**

**Article 9 (Relations with Other Acts and Subordinate Statutes)**

In case where other Acts and subordinate statutes have quoted the previous Acts or their
provisions at the time of the enforcement of this Act, they shall be deemed to have quoted this Act
or its provisions corresponding thereto, respectively, in lieu of them.

**ADDENDA <Act No. 6824, Dec. 26, 2002>**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the
amended provision of item (i) of subparagraph 6 of Article 2 shall enter into force on the date of its
promulgation.

**Article 2 (Transitional Measures with respect to Permission for Transfer of Narcotics,
etc.)**

Any person who obtained permission for the transfer of narcotics, etc. in accordance with previous
provisions in force at the time this Act enters into force shall be deemed to have obtained
permission in accordance with the amended provision of Article 9 (3).

**Article 3 (Transitional Measures with respect to Korean Association Against Drug Abuse)**

The Korean Association Against Drug Abuse that was established in accordance with Civil ActArticle
32 of the Civil Act at the time this Act enters into force shall be deemed to have been established
under this Act.

**Article 4 (Transitional Measures with respect to Penal Provisions)**

The application of penal provisions to the offenses that were committed prior to this Act enters into
force shall be governed by previous provisions.

**ADDENDA <Act No. 7098, Jan. 20, 2004>**

This Act shall enter into force six months after the date of its promulgation.

**ADDENDA <Act No. 8852, Feb. 29, 2008>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)
Article 2 through 7 Omitted.

ADDENDA <Act No. 9024, Mar. 28, 2008>

- (1) (Enforcement Date) This Act enters into force six months after the date of its promulgation.
- (2) (Applicability to Disposal of Narcotics, etc. After Term of Validity, etc. Expires) The amended provisions of Article 12 (2) shall start applying to narcotics, etc. first disposed of after this Act enters into force.
- (3) (Transitional Measures concerning Medical Treatment and Protection facilities) A medical treatment and protection facility established or designated under the former provisions as at the time this Act enters into force shall be deemed a medical treatment and protection facility under this Act.
- (4) (Transitional Measures concerning Penal Provisions and Fines for Negligence) The application of penal provisions and fines for negligence to an act before this Act enters into force shall be governed by the previous provisions.

ADDENDA <Act No. 9717, May 27, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

ADDENDA <Act No. 9932, Jan. 18, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force two months after the date of its promulgation. (Proviso Omitted.)

Article 2 through 5 Omitted.