LAW ON DRUGS

(Unofficial Translation)

ARTICLE 146 OF PENAL LAW

AND

DECREE ON THE IMPLEMENTATION

OF THE LAW ON DRUGS

(Unofficial Translation)

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LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY
PROSPERITY

National Assembly No. 103/NA

Resolution
of the
National Assembly
of the
Lao People's Democratic Republic

On the Adoption of the Law on Drugs

Pursuant to the Article 53, paragraph 2 of the Constitution and the article 3, paragraph 2 of the Law on the National Assembly of the Lao Peoples Democratic Republic regarding the rights and mandates of the National Assembly;

After deep and broad study and consideration by the 4th Ordinary Session of the VI Assembly of the National Assembly on the content of the Law on Drugs in the afternoon agenda of

the meeting on the 25 December 2007;

The National Assembly agrees:

Article 1. To adopt the Law on Drugs with a majority in approval.

Article 2. The resolution enters into force from the date of its signature.

Vientiane Capital, 25 December 2007
President of the National Assembly

[Signature and seal]

Thongsing Thammavong

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY
PROSPERITY

No. 08/PO
Vientiane Capital, 14th January. 2008

DECREE
of the
PRESIDENT
of the
Lao People's Democratic Republic

On the Promulgation of the Law on Drugs

- Pursuant to the Chapter VI, Article 67, paragraph 1 of the Constitution of the Lao Peoples Democratic Republic on the promulgation of the constitution and laws adopted by the National Assembly;

- Pursuant to the Resolution No. 103/NA , dated 25 December 2007, of the National Assembly of the Lao People Democratic Republic, on the adoption of the law on drugs;

- Pursuant to the letter of proposal No. 05/SC, dated 10 January 2008, of the Standing Committee of the National Assembly

The President
of the Lao People's Democratic Republic hereby decrees:

Article 1 : To promulgate the Law on Drugs

Article 2 : This decree enters into force from the date of its signature.

President of the Lao PDR

[Signature and seal]

Choummaly Sayasone

CONTENTS

LAW ON DRUGS

		Page
Part I	General Provisions	
Article 1 :	Purpose	1
Article 2 :	Drugs	2
Article 3 :	Definition of Terms	2-4
Article 4 :	Policy on Drug Problem Resolution	4
Article 5 :	Principles Regarding Drug Control, Prevention and Combating	4-5
Article 6 :	Obligations Relating to Drug Control, Prevention and Combating	5
Article 7 :	International Relations and Cooperation	5
Part II	Types and Detrimental Effects of Drugs	
Section 1 :	Drug Types	
Article 8 :	Drug Types	6
Article 9 :	Prohibited Drugs	6
Article 10 :	Use-controlled Drugs and Chemical Substances	6
Section 2	Detrimental Effects of the Prohibited Drugs	
Article 11 :	Detrimental Effects to the Users	7

Article 12 : Detrimental Effects to the Producers and other Perpetraters 7
Article 13 : Detrimental to the Family 7
Article 14 : Detrimental to the Society 7
Article 15 : Detrimental to the Nation 8
Part III Drug Control, Prevention and Combating
Section 1 : Control of Drugs and Chemical Substances.
Article 16 : Control of Drugs and Chemical Substances 8
Article 17 : Control of Production and Processing 8-9
Article 18 : Control of Drug Buying, Selling, Distributing, Possessing, Storing, Importing, Exporting, Transporting and Transiting 9
Article 19 : Control of Drug Use 9
Section 2 Prevention of Prohibited Drugs
Article 20 : Methods of Prevention of Prohibited Drugs 9-10
Article 21 : Propaganda 10
Article 22 : Re - education 10
Article 23 : Prohibition on Drug Planting, Producing and Processing 11
Article 24 : Prohibition on Drug Buying, Selling, Distributing, Possessing, Storing, Importing, Exporting, Transporting, Transiting 11
Article 25 : Prohibition on the Use of Prohibited Drugs 11
Article 26 : Family and Society Participation 11-12
Section 3 Combating Prohibited Drugs
Article 27 : Combating Prohibited Drugs 12
Article 28 : Targets in Combating Prohibited Drugs 12-13
Article 29 : Methods in Combating Prohibited Drugs 13-14
Section 4 Prosecution on Drugs
Article 30 : Importance of Prosecution 14
Article 31 : Prosecution on Drugs 14-15
Article 32 : Accuracy, Right Target and Transparency 15
Article 33 : Promises Search 15
Article 34 : Evidences 15-16
Article 35 : Seizure, Sequestration and Confiscation of Materials 16-17
Article 36 : Implication 17
Article 37 : Facilitating the Prosecution 17

Section 5 Treatment, Health Rehabilitation and Vocational Training for Drug Addicts
Article 38 : Treatment of Drug Addicts 18
Article 39 : Treatment in the Family 18
Article 40 : Treatment in the Community 18
Article 41 : Treatment in the Drug Treatment and Rehabiliation Centre 18-19
Article 42 : Vocational Training 19
Section 6 Follow-up and Assistance for Ex-Addicts
Article 43 : Follow-up and Assistance for Ex-Addicts 20
Article 44 : Drug counselling Group 20
Article 45 : Duties of Drug Counselling Group 20
Section 7 Forensic Laboratory
Article 46 : Necessity in Establishing the Forensic Laboratory 20-21
Article 47 : Rights and Duties of Forensic Laboratory 21
Section 8 Drug Control, Prevention and Combating Fund
Article 48 : Drug Control, Prevention and Combating Fund 22
Article 49 : Sources of Drug Control, Prevention and Combating Fund 22
Article 50 : Management and Utilization of Drug Control, Prevention and Combating Fund 23
Part IV Duties and Responsabilities Regarding Drug Control, Prevention and Combating
Article 51 : Duties and Responsabilities of the State 23-24
Article 52 : Duties and Responsabilities of Various Sectors 24
Article 53 : Duties and Responsabilities of the Society and Community 24-25
Article 54 : Duties and Responsabilities of Family 25
Article 55 : Duties and Responsabilities of Individuals 25-26
Part V Prohibition Regarding Drugs
Article 56 : Prohibition for Individuals and Families 26
Article 57 : Prohibition for Law Enforcement Official and Officer 26-27
Article 58 : Prohibition for Officer of Drug Related Organizations 27-28
Part VI International Relations and Cooperation regarding Drug
Article 59 : International Relations and Cooperation regarding Drug 28-29
Article 60 : Legal and Justice Cooperation 29

Part VII	Drug Control and Supervision	
Section 1	Drug Control	
Article 61 :	Drug Control Organizations	29-30
Article 62 :	Status and Role Of the LCDC	30
Article 63 :	Rights and Duties of the LCDC	30-31
Article 64 :	Provincial and Vientiane Capital Committees for Drug Control and Supervision(PCDC)	31-32
Article 65 :	District Committees for Drug Control and Supervision	33
Article 66 :	Drug Control Unit (DCU)	34
Section 2	Drug Inspection	
Article 67 :	Drug Inspection Organization	34
Article 68 :	Rights and Duties of the Drug Inspection Organization	34-35
Article 69 :	Form of Drug Inspection	35
Part VIII	Policies Towards Persons with Outstanding Performance and Measures Against Offenders	
Section 1	Policies Towards Persons with Outstanding Performance	
Article 70 :	Policies to Staff and Officers	36
Article 71 :	Policies to Those Providing Cooperation	36
Section 2	Measures Against Offenders	
Article 72 :	Measures Against Offenders	36-37
Article 73 :	Re - education Measures	37
Article 74 :	Disciplinary Action	37-38
Article 75 :	Criminal Measures	38-39
Article 76 :	Measures Against Relapses	39
Article 77 :	Additional Penalties	39
Article 78 :	Civil Measures	40
Part IX	Final Provisions	
Article 79 :	Implementation	40
Article 80 :	Effectiveness	40

ARTICLE 146 OF PENAL LAW

on production, tradeconssumption on possession of narcotics 41-47

DECREE ON THE IMPLEMENTATION OF THE LAW ON DRUGS

Section 1	**General Provisions**	
Article 1	**Purpose**	**48**
Article 2	**Policy on Solving Drug Issue**	**49**

Article 3	Duty Concerning Drug Control, Prevention And Combating	49
Section 2	Drug Types	
Article 4	Drug Types	49
Article 5	Prohibited Drugs	49-51
Article 6	Controlled Drugs and Chemical Substance	52-56
Section 3	Drug Control, Prevention and Combating	
Article 7	Production and Processing Control	56-57
Article 8	Control of Bying-selling, Distribution, Processing, Storing, Import, Export, Transit	57
Article 9	Dessimination and Re-Education	57
Article 10	Non-Authorization Concerning Drug	58
Article 11	Combating of Prohibited Drugs	58
Article 12	Targets of Prohibited Drugs Combating	58-59
Article 13	Accuracy, Right Target and Transparency	59-60
Article 14	Premises Search	60
Article 15	Exhibits	60
Article 16	Seizure, Sequestration and Confiscation ofAssets	61
Article 17	Implication	61
Article 18	Community Based Treatment	61
Article 19	Treatment in Treatment and Health Rehabilitation Centre for Drug Addicts	62
Article 20	Vocational Training	62
Article 21	Assistance Units for Ex-Addicts	62
Article 22	Establishment of Drug Forensic Laboratories	63
Article 23	Drug Verification	63
Section 4	Fund for Drug Control, Prevention and Combating	
Article 24	Sources of Fund for Drug Control, Prevention And Combating	64
Article 25	Management and Use pf Fund for Drug Control, Prevention and Combating	64
Section 5	Duties and Responsabilities Concerning Drug Control, Prevention and Combating	
Article 26	Duties and Responsabilities of Various Parties	64-65
Article 27	Duties and Responsabilities of LCDC	66

Article 28 Duties and Responsabilities of Ministry of Defense and Ministry of Public Security 66-67
Article 29 Duties and Responsabilities of Ministry of Foreign Affairs 67
Article 30 Duties and Responsabilities of Ministry of Finance 67
Article 31 Duties and Responsabilities of Ministry of Justice 67
Article 32 Duties and Responsabilities of Ministry of Labour and Social Welfare 68
Article 33 Duties and Responsabilities of Ministry of Education 68-69
Article 34 Duties and Responsabilities of Ministry of Public Health 69-70
Article 35 Duties and Responsabilities of Ministry of Agriculture and Forestry 70
Article 36 Duties and Responsabilities of Ministry of Industry and Commerce 70-71
Article 37 Duties and Responsabilities of Ministry of Information and Culture 71
Article 38 Duties and Responsabilities of Supreme People's Prosecutor's Office and Supreme's Court 71-72
Article 39 Duties and Responsabilities of Local Administration 72
Article 40 Duties and Responsabilities of Lao Front For National Construction, Union of Ex-Servicemen and Mass Organization 72
Article 41 Duties and Responsabilities of Society and Community, Families and Individuals 73
Section 6 Provincial, Capital, District, Urban Secretariat
Article 42 Provincial, Capital Secretariat 73
Article 43 District, Urban Secretariat 73-74
Section 7 Contents and Forms Inspection
Article 44 Contents of Drug Inspection 74
Article 45 Forms Inspection 74
Section 8 Policies and Measures

Article 46 Policies Towards Staffs and Officers 75

Article 47 Policies Towards Cooperators 75

Article 48 Criminal Measures 75

Section 9 Final Provision

Article 49 Implementation 76

Article 50 Effect 76

LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY
PROSPERITY

National Assembly

No. 10/NA
Vientiane Capital, 25 December 2007

Law on Drugs

Part I
General Provisions

Article 1. Purpose

This Law on Drugs defines principles, regulations and measures on the drug control, prevention and combating with the aim to enable Lao society to be free from prohibited drugs; and multi-ethnic Lao people to have good health and to be able to contribute as the main force to national protection and construction.

Article 2. Drugs

Drugs are nervous stimulant or suppression substances derived from narcotic-containing plants or from chemical synthesis; which when consumed, will cause a serious effect to the physical and mental systems of the consumers who are than most likely to develop an addiction and require more for consumption.

Article 3. Definition of Terms

Terms used in this law are defined as follows:

1. **Chemical precursors refers to** chemicals used to produce drugs;
2. **Drug derivatives refers to** the variety of the concerned drug types;
3. **Gross weight refers to** the weight of pure drug substance, including other combination that is not drug substance;
4. **Weight of pure drug substance refers to** the quantity of drug concentration or the weight of psychotropic substance excluding other combination;
5. **Drug quality analysis refers to** the analysis to identify the drug type;
6. **Quantity analysis of drug type refers to the** analysis to identify the concentration, volume or the pure drug quantity;
7. **Drugs control refers to** the management, production limitation, processing, scientific research, importation, exportation, transiting and

use of drug substances;

8. **Drug prevention refers to** various methods of prevention of drug existence in the Lao PDR;
9. **Drugs combating refers to** the repression of prohibited drugs including the solution of the detrimental effects of drugs;
10. **Drugs producing plants refers to** the plants of opium poppy, cannabis, coca, and other plants producing drug substances;
11. **Drug substances refers to** the substances that stimulate or suppress the nervous system and enable the users to become addictive easily;
12. **Prohibited drugs refers to** the drugs definitely prohibited to plant, produce, process, buy, sell, distribute, possess, import, export, transport, transit through the Lao PDR, and use or consume;
13. **The correct use of the use-controlled drugs and chemical substances refers to** the use of such materials according to standards and technical principles;
14. **Persons at risk to drugs refers to** those who have a trend and will become addictive to drugs such as: youths who have a shortage of family warmth;
15. **Drug addicts refers to** the drug abusers who need more drugs for consumption ;
16. **The drug treatment and rehabilitation centre refers to** a location that provides treatment and rehabilitation, and primary vocational training to drug addicts;
17. **Extraction refers to** the extraction, refining,

separation of the drug substances out off the drug producing plants or chemical substance such as: hashish resin;

18. **Drug consumption refers to** drug abuse through eating, drinking, sniffing, smoking, injecting or through other methods.

Article 4. Policy on Drug Problem Resolution

The State pays attention to the dissemination and education of all people in various forms in order to create awareness raising on the detrimental effects and dangers of drugs to the people in the society. It has the policy on promotion and encouragement of individuals, families and all sectors to participate in the State activities in managing, controlling, supervising, preventing and combating drugs including the solution of their detrimental effects; the provision of budgets, vehicles, equipment and materials for the drug related work, including keeping confidentiality, and the protection and ensuring the safety of persons who are involved in the drug control, prevention and combating.

Article 5. Principles Regarding Drug Control, Prevention and Combating

The primary principles on the drug control, prevention and combating are as follows:

1. The State shall centrally and unanimously manage, control, and supervise the drug issues throughout the country;
2. Controlling, preventing and combating drugs is the

duty of all people and organizations in the society;
3. Among the drug control, prevention and combating, the prevention shall be considered as primary, the combating as essential, and the controlling as something that could not be missed;
4. Resolution of the detrimental effects of drugs shall start from individuals and families with the participation of all organizations and society;
5. Drug addicts are to be considered as victims who need to be treated.

Article 6. Obligations Relating to Drug Control, Prevention and Combating

Individuals, families and organizations in the Lao PDR shall be active in controlling, preventing and combating drugs. They are obliged to provide data and information and cooperation with concerned officers who deal with this work.

Foreigners entering, leaving, transiting or touring the Lao PDR are obliged to observe laws and regulations of the Lao PDR on drug control, prevention and combating.

Article 7. International Relations and Cooperation

The State promotes the relations and cooperation with foreign countries, regions and international community on drug control, prevention and combating on the basis of respect of independence, sovereignty, territorial integrity and mutual benefits.

International relations and cooperation are to be in accordance with international conventions and treaties to which the Lao PDR is a party.

Part II
Types and Detrimental Effects of Drugs
Section 1
Drug Types

Article 8. Drug Types

Drugs are divided into two types as follows:

1. Prohibited drugs;
2. Controlled drugs and chemical substances.

Article 9. Prohibited Drugs

The Prohibited drugs are comprised of those that seriously stimulate or suppress the nerves such as: heroin, amphetamines, cocaine, ecstasy, and others as stipulated in a specific document.

The use of prohibited drugs is strictly prohibited .

Article 10. Use-Controlled Drugs and Chemical Substances

The use-controlled drugs and chemical substances are the drug type that stimulate or suppress the nerves such as: Morphine, Opium, Codeine, Methadone, Phentermine, Midasolam, Amobarbital, Acctic Anhydride, Acetil Chloride and others, as stipulated in a specific document.

These types of drugs and chemical substances are used for medical, science industrial, agricultural and other purposes under strict control.

Section 2
Detrimental Effects of the Prohibited Drugs

Article 11. Detrimental Effects to the Users

The prohibited drugs cause detrimental effects endangering the bodies and lives of the abusers, lowering social status, honour and future, damaging of the brain leading to madness and insanity, use of violence, the destruction of their own lives and others'.

Article 12. Detrimental Effects to Producers and other Perpetrators

Persons producing, processing, buying, selling, distributing, possessing, storing, importing, exporting, transporting and transiting through the Lao PDR the prohibited drugs, shall lose their social status, honour, future life and shall be prosecuted and punished according to the law.

Article 13. Detrimental Effects to the Family

Drug addicts cause trouble, discord and loss of family and lineage reputation, destruction of health, lives and property in the family.

Article 14. Detrimental Effects to the Society

Drug addicts cause shorcomings, crimes, destruction and threat to the social security and public order.

Article 15. Detrimental Effects to the Nation

Prohibited drugs are dangerous for the national stability and people especially to the youths and pioneers who are the future of the nation. The drug addicts are not able 'to discharge their duty of national and security protection, and unable to be as a main force for national construction.

Part III
Drug Control, Prevention and Combating
Section 1
Control of Drugs and Chemical Substances

Article 16. Control of Drugs and Chemical Substances

The control of drugs and chemical substances is comprised of the following:

1. The control of drug production and processing;
2. The control of drug buying, selling, distributing, possessing, storing, importing, exporting, transporting and transiting;
3. The control of drug use.

Article 17. Control of Production and Processing

The production and processing of the use-controlled drugs and chemical substances necessary for medical, scientific, research, industrial and agricultural purposes are

permitted but under strict management, supervision and control of the State agencies concerned.

Article 18. Control of Drug Buying, Selling, Distributing, Possessing, Storing, Importing, Exporting, Transporting and Transiting

Buying, selling, distributing, possessing, storing, importing, exporting, transporting, transiting through the Lao PDR the use-controlled drugs and chemical substances necessary for medical, scientific, research, industrial and agricultural purposes are permitted but under strict management, supervision and control of the State agencies concerned.

Article 19. Control of Drug Use

The use of the use-controlled drugs and chemical substances for medical, scientific, research, industrial and agricultural and other purposes shall be strictly managed, supervised and controlled.

In case where these drugs and chemical substances are not used in accordance with the technical procedures and rules, they will represent a danger to the individual, family and society, the abusers shall be punished according to the law.

Section 2
Prevention of Prohibited Drugs

Article 20. Methods of Prevention Prohibited Drugs

Methods of prevention prohibited drugs are as follows:

1. Propaganda;
2. Re-education;
3. Prohibitions on drug planting, producing and processing;
4. Prohibitions on drug buying, selling, distributing, possessing, storing, importing, exporting, transporting, transiting through the Lao PDR;
5. Prohibitions on use;
6. Family and society participation;
7. International relations and cooperation.

Article 21. Propaganda

To prevent any persons in society from being slaves of drugs, the State and society shall propagate extensively in various forms and methods at different levels to raise awareness of the society on the dangers and detrimental effects of drugs so that they can be active in contributing to the drug control, prevention and combating.

Article 22. Re-education

The State and society shall provide re-education, counselling and advice to the target groups and groups at risk to drugs to enable them to understand the dangers and detrimental effects, to stay away and not being the slaves of the drugs.

Article 23. Prohibition on Drug Planting, Producing and Processing

The State does not permit to plant, produce and process the prohibited drugs. At the same time, the State shall promote, give advice and create conditions for the people to shift to other occupation that could be sustained, permanent and legal.

Article 24. Prohibition on Drug Buying, Selling, Distributing, Possessing, Storing, Importing, Exporting, Transporting, Transiting

The State does not permit to buy, sell, distribute, possess, store, import, export, transport and transit through the Lao PDR the prohibited drugs.

Article 25. Prohibitions on the Use of Prohibited Drugs

The State does not permit to use the prohibited drugs, even in the medical, industrial, agricultural or any other fields.

Article 26. Family and Society Participation

The family shall participate in the prevention of prohibited drugs expressed through the provision of warmth, intimacy, education, advice, counselling, exchanging views and lessons to enable them to understand the dangers and detrimental effects of prohibited drugs and to monitor the activities and external relationships of the family members to avoid being the slaves of drugs.

Society shall participate in the prevention of prohibited drugs expressed through propaganda and education to the members in its own organization to understand the dangers and detrimental effects of prohibited drugs, to organize different activities such as sporting, art, literature and tourism to encourage its members to participate and stay away from drugs, to monitor the activities of its members and to provide the data and information on drugs as well as to keep eyes on the offenders coming into the society.

Section 3
Combating Prohibited Drugs

Article 27. Combating Prohibited Drugs

Prohibited drugs are dangerous and threaten the national stability, tranquillity and security and also hinder national socio-economic development, so different measures shall be taken strictly and definitely to combat the prohibited drugs.

Article 28. Targets in Combating Prohibited Drugs

The targets in combating the prohibited drugs are:

1. The drug dealers ;
2. The drug cultivators, producers, processors;
3. The drug buyers, sellers, distributors, possessors, transporters, importers, exporters and transmitters through the Lao PDR;

4. Drug service providers ;
5. Drug abusers;
6. Persons participating in the process of prohibited drugs.

Article 29. Methods in Combating Prohibited Drugs

The primary methods in combating the prohibited drugs are:

1. To issue a complete, concise and systematic regulation on the prohibited drugs;
2. To fully build and improve the drug control organization and personnel from the centre down to the grass root with technical quality and transparency;
3. To promote the creation of employment opportunities and other occupation replacing the cultivation of drug producing plants;
4. To strengthen development villages free from cultivation of drug producing plants and from drug producing, processing, abusing , trafficking and distributing;
5. To provide budgets, vehicles, equipment, technical and material basis necessary for the drug control, prevention, and combating including forensic laboratories, drug treatment and rehabilitation centres and others;
6. To collect and study the data and information and to list the targets related to drugs;

the targets with the participation of people and armed forces, of which the Lao National Commission for Drug Control and Supervision plays the main role;

8. To strictly prosecute and punish the offenders according to laws and regulations;
9. To coordinate with other concerned sectors, local administration at different levels and neighbouring countries mainly with those along the borderlines to address the problems related to drugs;
10. To summarize and draw lessons on the drug control, prevention and combating for each stage and periodically.

Section 4
Prosecution on Drugs

Article 30. Importance of Prosecution

The prosecution of drug cases prosecution is specially important, difficult, complicated and dangerous, it shall be carried out against the right target, skilfully, rapidly, in time, accurately, strictly and legally.

Article 31. Prosecution on Drugs

The prosecution on drugs shall be conducted according to the Law on Criminal Procedure but special attention shall be paid to the issues prescribed in this law

rapidity, transparency, fines and release from custody.

Article 32. Accuracy, Right Target and Transparency

The prosecution on drugs shall be conducted accurately with the right targets, real offenders, and rapidly with solid and concise witnesses and evidences.

The prosecution shall be transparent. It is prohibited to fine and then release the suspects without any legal proceedings.

Article 33. Premises Search

Before searching any premises, a search warrant shall be obtained from the Public Prosecutor or People's Court, except in necessary and urgent cases. In which case the Public Prosecutor shall be reported within twenty four hours after the completion of the search.

The search shall be conducted in the presence of the premises' owners, village administrative authority with at least two witnesses.

Before and after searching, the competent officers involved in searching shall demonstrate their honesty to the individuals and administrative authority.

In every search a complete and detailed record on drugs, evidences and other illegal items shall be made with the signatures and thumbprints of all involved individuals and administrative authority at spot to acknowledge and certify.

Article 34. Evidences

Evidences related to drug cases is a basis for arrest, prosecution and conviction of the offenders.

Evidences which are drugs found and seized shall be checked, weighed, recorded and then sent quickly for analysis. These evidences shall be managed and kept in a secured place to avoid loss or replacement. Each time of handing over the evidences regarding drug cases, these evidences shall be rechecked and certified on correctness as the original record.

The evidences related to drugs cases such as money, gold, vehicles and other properties shall not be used and shall be dealt with according to the Law on Criminal Procedure.

In cases of the confessions of the suspects but where there are no evidences, the witnesses and other evidences related to the case shall be sought for proving and to be used for decision.

Article 35. Seizure, Sequestration, and Confiscation of Materials

Assets, vehicles, equipment related to drug cases shall be seized and sequestrated as evidences according to laws and regulations awaiting the decision of the court.

Evidences that can lose its quality quickly and livestock shall be sold at market price at that time with the approval of the asset inspection committee and money deposited into the bank.

Valuable evidence such as: diamonds, gold, silver and other precious materials shall be recorded with indication: on the amount, types, kinds, forms, characteristic, weight, quality and others in detail and then deposited into

the bank.

Properties, vehicles, equipment and other exhibits related to drugs shall be confiscated according to the final decision of the court.

Evidences which are drugs shall be destroyed according to the final decision of the court.

Article 36. Implication

Implicating any person without concise evidence and where the implicated person refuses to acknowledge shall not be considered as an offence.

Implicating any person with evidences and the implicated person confesses, the legal proceedings shall be taken.

Implicating any person with solid and concise evidences but the implicated person refuses to acknowledge, the legal proceedings shall be taken.

Implicating any person without evidences but with concise evidences and the implicated person refuses to acknowledge, the legal proceeding shall be taken.

Article 37. Facilitating the Prosecution

To facilitate the prosecution, the State shall supply vehicles, equipment, materials and budgets, as appropriate, for drugs related prosecution.

Section 5
Treatment, Health Rehabilitation and Vocational Training for Drug Addicts

Article 38. Treatment of Drug Addicts

Treatment of drug addicts is supported in the family, community, hospitals and drug treatment and

rehabilitation centre including the treatment in the detention and reformatory centre.

Article 39. Treatment in the Family

Treatment of drug addicts shall start from the family who is responsible for treatment of the drug addicts according to the doctors' advice. In addition, close attention shall be paid and moral support given to enable them to be detoxified, rehabilitated and to continue their study; or look for jobs Close attention shall be paid to monitoring of ex addicts by the family to prevent them from relapse.

Article 40. Treatment in the Community

Treatment of drug addicts in the community shall also be supported. There may be requirement to build community based treatment and rehabilitation centres, to look for traditional and modern medicines for treatment, to mobilize contribution in labour, food, materials and money. After detoxification, the community shall also seek employment, provide monitor re-educate and look after the ex-addicts to prevent relapse.

Article 41. Treatment in the Drug Treatment and Rehabilitation Centre

To save the life of drug addict, drug treatment and rehabilitation centres shall be built and renovated in appropriate locations.

The centres receive drug addicts to be treated sent by the officers and families or on voluntary basis by the drug addicts.

Upon the receipt of the drug addicts, the centre has the duty to educate, treat, rehabilitate them including to follow up and provide counselling to the ex-addicts.

The above mentioned centres shall comprise of officers from the Drug Supervision and Control Committee, the Ministries of Public Security, Public Health, and Labour and Social Welfare.

The organization and the functioning of the centre is specified in a specific regulation.

The treatment in the detention and reformatory centre shall be supported as well.

Article 42. Vocational Training

Primary vocational training is provided in the drug treatment and rehabilitation centre to enable the ex-addicts to reintegrate into the society as normal and productive citizens. Vocational training shall be conducted in parallel with the identification of markets for selling the products to generate income as a basis for the new livelihood of the ex-addicts.

The centre has also the duty to look for jobs for the ex-addicts in the society as actual conditions.

Section 6
Follow-up and Assistance for Ex-Addicts

Article 43. Follow-up and Assistance for Ex-Addicts

After having been treated and rehabilitated and provided with primary vocational training, follow up and counselling shall be provided for ex-addicts as well as assistance to look for jobs to enable them to normalize their livelihood.

Relapse shall be punished according to Article 76 of this law.

Article 44. Drug Counselling Group

To ensure the sustainability of eliminating drug addiction elimination, the drug counselling group shall be established under the management and supervision of the Drug Control Committee at such level.

Article 45. Duties of the Drug Counselling Group

The Drug Counselling Group has the main duties of collecting statistical data and information, monitoring and supervision, providing counselling and necessary assistance to the ex-addicts including looking for jobs as actual conditions to enable them to reintegrate normally into society.

Section 7
Forensic Laboratory

Article 46. Necessity in Establishing the Forensic Laboratory

To certify that any materials are drugs, classified under which category and type and what drug concentration quantity is and that shall be used as reference in the control, prevention and combating against drugs including the use of measures to punish the offenders correctly and justly as the fact, it is required to establish Forensic Laboratories in Public Health Sector and in other sectors as necessary such as in Public Security and in the Lao National Commission for Drug Control and Supervision.

The organization and functioning of the Forensic Laboratory are stipulated in specific regulation.

Article 47. Rights and Duties of Forensic Laboratory

The Forensic Laboratory has the main rights and duties as follows:

- To check, prove and analyse drug substances, their category, type and concentration ;
- To summarize the results of proof and analysis to confirm to the State organizations responsible for the control, prevention and combating against drugs including the prosecuting agencies and suspects regarding drugs on the requests of individuals and organizations concerned;
- To be responsible before the law on the results of its analysis;
- To coordinate, exchange information internally, externally and internationally on drug related issues such as: on the verification and analysis of drugs as assigned by the superior level.

Section 8
Drug Control, Prevention and Combating Fund

Article 48. Drug Control, Prevention and Combating Fund

The State promotes the establishment of the Drug Control, Prevention and Combating Fund at central, provincial and Vientiane Capital levels. This fund shall be used for the activities related to drug control, prevention and combating including the drug treatment and rehabilitation and primary vocational training for ex-addicts.

Article 49. Sources of Drugs Control, Prevention and Combating Fund

The Sources of Drug Control, Prevention and Combating Fund are from:

- the State budgets including the allocation according to the laws and regulations on the budget derived from the confiscation of property, vehicles and equipment related to drugs decided by the People's Court;
- the sale of products of the Drug Treatment and Rehabilitation Centre;
- the assistance from foreign countries;
- the contribution from individuals and organizations of both in country and abroad;
- the income generation activities such as: sport, concert and other events.

Article 50. Management and Utilization of the Drug Control, Prevention and Combating Fund

The Drug Control, Prevention and Combating Fund at the central level is managed by the Lao National Commission for Drug Control and Supervision. At the local level it is managed by the Provincial, City Committee for Drug Control and Supervision. This fund is used for the activities as stipulated in article 48 of this law.

The organization and operation of the Drug Control, Prevention and Combating Fund is stipulated in a specific regulation.

Part IV
Duties and Responsibilities Regarding Drug Control, Prevention and Combating

Article 51. Duties and Responsibilities of the State

The Government shall formulate the policies, regulations and measures on the management, control, prevention and combating against drugs, on the treatment and rehabilitation of drug addicts and on the provision of primary vocational training including the provision of budget, vehicles, equipment and personnel for drug control, prevention and combating activities.

The State shall implement the activities related to the management and supervision including drug control, prevention and combating as specified in the articles 16, 20 and 29 of this law.

The local administration has the responsibility in

implementing the guidelines, laws and regulations regarding drug control, prevention and combating especially on the dissemination, educational training and mobilization of all sectors in the society to participate in the control, supervision, prevention and combating against drugs, treatment and rehabilitation for the drug addicts and provision of primary vocational training for the ex-addicts.

Article 52. Duties and Responsibilities of Various Sectors

Other sectors involved in drug control, prevention and combating: the Ministry o f Public Security, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Justice, the Ministry of Labour and Social Welfare, the Ministry of Education, the Ministry of Public Health, the Ministry of Agriculture and Forestry, the Ministry of Industry and Commerce, the Ministry of Information and Culture, People's Supreme Prosecutor's Office, People's Supreme Court, Lao Front for National Construction, Central Mass Organizations and other concerned Agencies, have duties to establish specific units and vertically direct and supervise the drug control, prevention, and combating activities according to their roles and responsibilities.

Article 53. Duties and Responsibilities of the Society and Community

The society and community shall have the duty and responsibility to disseminate and mobilize the people of all strata to know the danger of drug and all together to prevent and identify the persons who cultivate, produce,

process, sell, distribute, transport and abuse the drugs and report to the concerned agencies and to provide cooperation in treatment and rehabilitation of drug addicts and in primary vocational training and in looking for jobs for the ex-addicts.

Article 54. Duties and Responsibilities of Family

The family plays an important role, has the duty and responsibility in educating, monitoring and supervising the movements of immediate family members and relatives to enable them to be aware of the dangers of drugs; to respect and observe laws and regulations and also to be as an example; to provide them the warmth, consultation and advice to the immediate family members; to participate in the processes of controlling, preventing, and combating drugs; and to provide assistance for the treatment of the family members if they are addicted to drugs as well as to monitor the family members who have been detoxified.

Article 55. Duties and Responsibilities of Individuals

All Lao citizens especially youth and pioneer shall be self-masters of preventing and combating narcotic drugs, preventing the idea of wanting to test drugs, listening to the advices of parents, guardians, and teachers and making decision to be treated when addicted.

All Lao citizens have duties to inform the concerned competent officers when receiving the information on a person who cultivates, produces, processes, sells, distributes, transports and abuses drugs as well as on the sources and the concealment places of drugs.

The informants shall be protected and safeguarded by the concerned competent officers.

Part V
Prohibitions regarding Drugs

Article 56. Prohibitions for Individuals and Families

The prohibitions for individuals and families are:

1. To illegally plant, produce, process, trade, distribute, possess, transport, import, export, or transit drugs through the territory of the Lao PDR.
2. To illegally consume or provide drug services, promote, deceive and force others to consume drugs;
3. To conceal, protect or hide family members or other persons addicted to drugs:
4. To obstruct, threaten, take vengeance on people participating in the prevention and combating of drugs and in the treatment of drug addicts:
5. To illegally advertise to attract people to consume drugs through any forms including through internet;
6. Other prohibitions as stipulated in laws and regulations.

Article 57. Prohibitions for Law Enforcement Official and Officer

The prohibitions for law enforcement official and officer are:

1. To perform duty without transparency such as: receiving bribes, fining and then releasing a suspect, substituting drugs evidence, producing false records or abuse authority and position for personal benefit or the benefit of relatives;
2. To conceal, protect or hide a suspect involved in drugs;
3. To use evidence related to drug case such as: vehicles, communication equipment, money, gold and other properties;
4. To use violence, coercion and threat towards the suspect to obtain confession;
5. To protect and interfere with the prosecution of drug cases of concerned competent officer;
6. To be involved illegally with the production, trading, and transporting of drug;
7. Other prohibitions as stipulated in laws and regulations.

Article 58. Prohibitions for Officer of Drug Related Organization

The prohibitions for officers of drug related organizations are:

1. Forensic Laboratory Centre officers are prohibited from informing the results of analysis incorrectly to the fact or replacing drug substances;

2. Drug Treatment and Rehabilitation Centre officers are prohibited from neglect and causing bodily harm to those undergoing treatment and to claim benefits from the family of/or drug addict;
3. Detention and Reformatory Centre officers are prohibited from causing bodily harm to the suspect or drug offender;
4. Treatment and Rehabilitation Centre officers are prohibited from issuing the incorrect health certificates;
5. Other prohibitions as stipulated in laws and regulations.

Part VI
International Relations and Cooperation regarding Drug

Article 59. International Relations and Cooperation regarding Drug

The State promotes bilateral, multi-lateral relations and cooperation at both regional and international levels on the control, prevention and combating of drugs in various forms such as: propaganda and training to prevent people in the society from becoming the slaves of drug; on rural development for poverty alleviation after stopping cultivating the drug-containing plants of the farmers; on the treatment and rehabilitation of the drug addicts and the provision of primary vocational training to the ex-addicts,

on law enforcement, on sharing the data and information, technology, exchanging lessons, staff formation and others.

Article 60. Legal and Justice Cooperation regarding Drug

In legal and justice cooperation, the concerned competent agencies of the Lao PDR shall provide information regarding drugs and execute the measures on investigation-interrogation, control, prevention and combating; prosecution and adjudication concerning drug cases on request of party countries.

The matters of extradition shall be performed in accordance with conventions and treaties to which the Lao PDR is a party.

Part VII
Drug Control and Supervision

Section 1
Drug Control

Article 61. Drug Control Organizations

The drug control organizations are comprised of:

- the Lao National Commission for Drug Control and Supervision (LCDC);
- the Provincial and Vientiane Capital Committee for Drug Control and Supervision (PCDC)
- the District Committee for Drug Control and Supervision (DCDC)

- the Drug Control and Supervision Unit (DCU).

Article 62. Status and Role of the LCDC

The LCDC is a Government organization comprising of different participating sectors involved. It has a role as a staff function line of the Government of the Lao PDR to centrally and unanimously control and supervise drug related issues throughout the country. It has a permanent secretariat office with equal status as a department.

The organization and operation of the LCDC is stipulated in specific regulation.

Article 63. Rights and Duties of the LCDC

The LCDC has the following rights and duties:

1. To elaborate strategic plans, draft laws, regulations, plans and projects related to drug control, supervision, prevention and combating;
2. To conduct the dissemination and education of guidelines, policies and laws and regulations regarding narcotic drugs and collect data and information regarding drug control, prevention and combating ;
3. To direct, encourage and inspect the implementation of activities regarding drugs throughout the country;
4. To mobilize and seek for internal and external assistance and manage the Drug Control,

Prevention and Combating Fund;
5. To formulate and inspect the plans of using the Drug Prevention and Combating Fund;
6. To build, train and upgrade the personnel on drug control, prevention and combating;
7. To be the centre for coordinating with other sectors concerned in drug control, prevention and combating and in the construction of drug treatment and rehabilitation centres and of primary vocational training centres to enable the ex-addicts to have some vocational skills and be employed;
8. To coordinate and cooperate with foreign countries and international organizations regarding drug control, prevention and combating; the construction of drug treatment and rehabilitation centres for the drug addicts and of the primary vocational training centres for the ex-addicts;
9. To summarize and evaluate the implementation of drug control, prevention and combating activities and report to the Government;
10. To exercise such other rights and perform such other duties as provided by laws and regulations.

Article 64. Provincial and Vientiane Capital Committees for Drug Control and Supervision (PCDC)

The PCDC is a Provincial and Vientiane capital organization comprising of various sectors, having a role

as a staff function line for the province and Vientiane capital administrative authorities in drug control and supervision in the limits of provinces and Vientiane capital and having a permanent secretariat with the status equal to the Division of the province and Vientiane capital.

The PCDC has the following rights and duties:

1. To translate the national plans, laws and regulations of higher instances regarding drugs into its own regulations, plans, and projects and implement them;
2. To conduct the dissemination and education on the guideline, policy, laws and regulation regarding drugs control and supervision, prevention and combating;
3. To direct, encourage and supervise the implementation of the drug related activities of the DCD;
4. To survey and collect data and information relating to drug control, prevention and combating in the limits of its responsibility;
5. To coordinate and cooperate with other sectors concerned relating to drug work;
6. To summarize and evaluate the implementation of drug related activities at its level and report regularly to the Provincial/ Vientiane Capital Administrative Authorities and the LCDC;
7. To exercise such other rights and perform such other duties as provided by laws and regulations.

Article 65. District Committees for Drug Control and Supervision (DCDC)

The DCDC is an organization of the district comprising of different sectors playing the role of general staff for the district, municipality administrative authority in drug control and supervision, and having a permanent secretariat with the status equal to an office of the district, municipality.

The DCDC has the following rights and duties:

1. To implement laws and regulations, plans and projects regarding drugs;
2. To disseminate and educate on the guideline, policy, laws and regulations on drugs;
3. To survey and collect data and information relating to drugs in the limits of its responsibility;
4. To direct, encourage and supervise the implementation of the drug related activities of its subordinate level;
5. To coordinate and cooperate with other sectors concerned, relating to drug work;
6. To summarize and evaluate the implementation of the drug related activities at its level and report regularly to the district, municipality administrative authority and PCDC;
7. To exercise such other rights and perform such other duties as prescribed by laws and regulations.

The DCU is an organization of line ministries and agencies concerned that has rights and duties in drug inspection and control according to the role of their own sector.

Section 2
Drug Inspection

Article 67. Drug Inspection Organization

The Drug Inspection Organization is the same organization as drug control organization as stipulated in article 61 of this law.

Article 68. Rights and Duties of the Drug Inspection Organization

The Drug Inspection Organization has the rights and duties to supervise the implementation of the drug supervision, control, prevention and combating activities by emphasizing some of the following activities:

1. To supervise the implementation of the plans, projects and laws and regulations regarding drugs including of drug treatment and rehabilitation centres and primary vocational training centres for ex-addicts;
2. To monitor, direct and supervise the solution of the drug issues in accordance with laws and regulations;

3. To coordinate and cooperate with other internal and external parties concerned in the control and supervision, prevention, combating and solution of drug related issues;
4. To propose methods and measures in addressing the result of the monitoring and supervision to the higher instance for decision;
5. To summarize and evaluate, draw lessons and report to the higher instance on the drug supervision activities;
6. To exercise such other rights and perform such other duties as prescribed by laws and regulations.

Article 69. Forms of Drug Inspection

There are three forms of drug inspection as follows:

- A regular inspection;
- An inspection following advance notice;
- An immediate inspection.

A regular inspection is an inspection performed on a regular basis, at a specified time and at least once a year.

An inspection following an advance notice is performed when necessary with an advance notification of at least twenty four hours.

Immediate inspection is carried out urgently without advance notice.

Part VIII
Policies Towards Persons with Outstanding Performance and Measures Against Offenders

Section 1
Policies Towards Persons with Outstanding Performance

Article 70. Policies to Staff and Officers

Staff, officers and agencies who have gained achievements in executing the law on drugs especially on the control, prevention and combating of drugs shall be given a letter of appreciation, bonuses or other incentives as stipulated in a specific regulation.

Article 71. Policies to Those Providing Cooperation

Individuals or agencies contributing to the drug control, prevention and combating through participation in the work and provision of data and information and others will be rewarded or will be entitled to other policies as determined in specific regulation.

Section 2
Measures Against Offenders

Article 72. Measures Against Offenders

Individuals or agencies violating this law will be

subject to re-education and disciplinary measures, will be fined or subject to criminal measures depending on the gravity of violations, including both civil compensation and criminal prosecution in accordance with article 146 of the Penal Law and this law.

Article 73. Re-education Measures

Any individuals consuming drugs or possessing cannabis, hashish and various derivatives of cannabis hashish of 0.3 grams and lower are considered as victims, risky to drug addiction, and as drug addicts, shall be re-educated and treated in the Drug Treatment and Rehabilitation Centre.

Any individuals, families or agencies not cooperating in the drug control, prevention and combating, shall be re-educated.

Any individuals violating this law causing small losses but have willingly reported and confessed their violation to the concerned competent agencies and have returned all properties illegally taken to the state concerned competent agencies, shall be re-educated and warned.

Article 74. Disciplinary Action

Officials, Government staff or competent officers having committed a slight violation of laws and regulations and prohibitions on drugs, which are not criminal offences but not willing to report and escape from their offences, shall be subject to disciplinary measures depending on the cases as follows:

1. Offender shall be criticised, warned of offences and recorded in their biographical files;
2. Offender shall have any upgrade of salary grade and step and letter of appreciation cancelled;
3. Offender shall be demoted or moved to the another lower position;
4. Offender shall be removed from being a Government official and not receive any incentives.

Offender to be disciplined shall return all properties taken illegally to the State.

Article 75. Criminal Measures

Tetrahydrocannabinol, Hashish and its derivatives: cannabis hashish:

- of gross weight from over 0.3 grams to 50 grams shall be punished with deprivation of liberty from two years to four years and shall be fined from 5,000,000 Kip to 9,000,000 Kip;
- of gross weight from over 50 grams to 100 grams shall be punished with deprivation of liberty from five years to seven years and shall be fined from 10,000,000 Kip to 29,000,000 Kip and the property shall be confiscated as stated in article 34 of the Penal Law;
- of gross weight from over 100 grams to 200 grams shall be punished with deprivation of liberty from eight years to fourteen years and shall be fined from 30,000,000 Kip to 59,000,000 Kip and the property shall be confiscated as

stated in article 34 of the Penal Law;
- of gross weight from over 200 grams to 500 grams shall be punished with deprivation of liberty from fifteen years to twenty years and shall be fined from 60,000,000 Kip to 99,000,000 Kip and the property shall be confiscated as stated in article 34 of the Penal Law;
- of gross weight in excess of 500 grams shall be punished with life deprivation of liberty and shall be fined from 100,000,000 Kip to 200,000,000 Kip and property shall be confiscated as stated in article 34 of the Penal Law.

Article 76. Measures Against Relapses

The relapse shall be punished with deprivation of liberty from three months to one year and shall be fined from 100,000 Kip to 300,000 Kip.

Article 77. Additional Penalties

In criminal proceedings towards the drug offences, in addition to the primary punishment as provided in articles 73 to 76 of this law, all property involved in commission of drug offences which are used for and derived from offences such as: money, gold, valuable properties, land, houses, vehicles and equipment, shall be confiscated.

For the drugs, they shall be destroyed in accordance with laws and regulations.

Article 78. Civil Measures

In addition to the punishments prescribed in article 75 of this law, the offenders shall pay compensation for damage such as: the cost for treatment, moral support, losing time, travelling, boarding and lodging and other losses in accordance with laws and regulations.

Part IX
Final provisions

Article 79. Implementation

The Government of the Lao People's Democratic Republic shall implement this law.

Article 80 Effectiveness

This law shall enter into force ninety days from the date that the President of the Lao People's Democratic Republic issues a decree for its promulgation.

Any provisions and regulations which contradict this law are hereby repealed.

President of the National Assembly

(Signature and seal)

Thongsing Thammavong

Article 146. (New) Production, Trade, Consumption or Possession of Narcotics

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of narcotics such as: heroin, amphetamines, any ingredient used in the production of heroin or amphetamines, opium, and marijuana, shall be punished as follows:

1. Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit of less than one hundred grams of heroin through the Lao People's Democratic Republic shall be punished by ten to fifteen years of imprisonment and shall be fined from 50,000,000 Kip to 100,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

   Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit of heroin through the Lao People's Democratic Republic as a regular profession, as part of an organised group or in a quantity ranging between one hundred grams to three hundred grams shall be punished by fifteen to twenty years of imprisonment and shall be fined from more than 100,000,000 Kip to 500,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

   Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through

the Lao People's Democratic Republic of more than three hundred grams up to five hundred grams of heroin shall be punished by life imprisonment and shall be fined from more than 500,000,000 Kip to 1,000,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of more than five hundred grams of heroin shall be punished by the death penalty.

2. Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of less than one hundred grams of amphetamines or other psychotropic substances shall be punished by five to ten years of imprisonment and shall be fined from 10,000,000 Kip to 100,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of amphetamines or other psychotropic substances as a regular profession, as part of an organised group or in a quantity ranging from one hundred to five hundred grams of amphetamines or other psychotropic substances shall be punished by ten to twenty years of imprisonment and shall be fined from more than 100,000,000 Kip to

500,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of more than five hundred grams up to three thousand grams of amphetamines or other psychotropic substances shall be punished by life imprisonment and shall be fined from more than 500,000,000 Kip to 1,000,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of more than three thousand grams of amphetamines or other psychotropic substances shall be punished by the death penalty.

3. Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of less than five hundred grams of precursors for the production of narcotics shall be punished by five to ten years of imprisonment and shall be fined from 5,000,000 Kip to 20,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through

the Lao People's Democratic Republic of precursors for the production of narcotics as a regular profession or as part of an organised group or in a quantity ranging from five hundred grams to one thousand shall be punished by ten to twenty years of imprisonment and shall be fined from more than 20,000,000 Kip to 50,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of more than one thousand grams up to ten thousand grams of precursors for the production of narcotics shall be punished by life imprisonment and shall be fined from more than 50,000,000 Kip to 100,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, trades, distributes, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of more than ten thousand grams of precursors for the production of narcotics shall be punished by the death penalty.

4. Any person who produces, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of less than one kilogram of opium for trade shall be punished from two to seven years of imprisonment and shall be fined from 1,000,000 Kip to 10,000,000 Kip. Furthermore, such person's property

shall be confiscated as provided under Article 34 of this law.

Any person who produces, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of opium for trade as a regular profession or as part of an organised group or55 in a quantity ranging from one to three kilograms of opium shall be punished by ten to fifteen years of imprisonment and shall be fined from 15,000,000 Kip to 20,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of opium for trade as a regular profession or as part of an organised group or in a quantity from three to five kilograms of opium shall be punished by fifteen to twenty years of imprisonment and shall be fined from 30,000,000 Kip to 40,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

Any person who produces, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of opium in a quantity of more than five kilograms of opium shall be punished by life imprisonment and shall be fined from 50,000,000 Kip to 100,000,000 Kip. Furthermore, such person's property shall be confiscated as provided under Article 34 of this law.

5. Any person who plants between three kilograms and ten kilograms of raw marijuana for trade purposes shall be punished by re-education without deprivation of liberty and shall be fined from 500,000 Kip to 2,000,000 Kip.

Any person who plants between three kilograms and ten kilograms of raw marijuana for trade purposes shall be punished by one to three years of imprisonment and shall be fined from 5,000,000 Kip to 20,000,000 Kip.

Any person who produces, possesses, imports, exports, transports or causes the transit through the Lao People's Democratic Republic of one to ten kilograms of dry marijuana for trade shall be punished by three to seven years of imprisonment and shall be fined from 5,000,000 Kip to 20,000,000 Kip.

Any person who produces, possesses, imports, exports, transports or causes the transit through Lao People's Democratic Republic of dry marijuana for trade as a regular profession or as part of an organised group or involving over ten kilograms of dry marijuana shall be punished by five to ten years of imprisonment and shall be fined from 20,000,000 Kip to 50,000,000 Kip.

6. Any person who produces, sells, distributes, possesses, imports, exports, transports or causes the transit of synthetic drugs shall be considered as follows:

- If after analysis of the drug, it is found that the drug is mixed with other substances, [the

concerned person] shall be punished according to the weight and types of drugs mentioned above;

- If, after analysis of the drug, it is found that there is no addictive drug mixed with the substance], the seller and the buyer shall be punished by three to five years of imprisonment and shall be fined from 5,000,000 Kip to 10,000,000 Kip.

7. Any person who consumes, or purchases or possesses for consumption any heroin, morphine, or cocaine less than three grams, or amphetamines or other psychotropic substances less than three grams shall be regarded as victims and shall be sent for treatment.

The person providing services for the consumption of opium shall be punished by three years to ten years of imprisonment and a fine of 5,000,000 Kip to 20,000,000 Kip.

The person providing services for the consumption of marijuana shall be punished by three months to five years of imprisonment and a fine of 1,000,000 Kip to 5,000,000 Kip.

A person addicted to smoking marijuana shall be regarded as a victim and shall be sent for treatment.

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