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## LAWS AND REGULATIONS

### PROMULGATED TO GIVE EFFECT TO THE PROVISIONS OF THE INTERNATIONAL TREATIES ON NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

*In accordance with the relevant articles of the international treaties on narcotic drugs and psychotropic substances,  
the Secretary-General has the honour to communicate the following legislative text / texts*

### VIETNAM

Communicated by the Government of Vietnam

#### NOTE BY THE SECRETARIAT

- (a) Some editing of texts may be done by the Secretariat in the interest of clarity. In this connection, words in square brackets [ ] have been added or changed by the Secretariat.
- (b) Only passages directly relevant to the control of narcotic drugs or psychotropic substances have been reproduced in this document. Non-relevant parts of laws and regulations have been deleted by the Secretariat; such deletions are indicated by [...].

### PENAL CODE

(extracts)



**PENAL CODE  
(extracts)**

[...]

**Chapter XVIII**

**NARCOTICS-RELATED CRIMES**

**Article 192.- Growing opium poppy and other kinds of plant bearing narcotic substance**

1. Those who grow opium poppy, coca shrubs, marijuana or other plants which bear narcotic substance, have already been educated more than once, have already been given conditions to stabilize their lives and have already been administratively sanctioned for such acts but still commit them, shall be sentenced to between six months and three years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and seven years of imprisonment:

- a) In an organized manner;
- b) Repeating such crime.

3. The offenders may also be subject to a fine of between one million and fifty million dong.

**Article 193.- Illegally producing narcotics**

1. Those who illegally produce narcotics in any form shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) The crime is committed in an organized manner;
- b) Committing the crime more than once;
- c) Abusing positions and/or powers;
- d) Abusing the names of agencies or organizations;
- e) Poppy resin, marijuana resin or coca plasma, weighing between five hundred grams and under one kilograms;
- f) Heroin or cocaine weighing between five grams and under thirty grams;
- g) Other narcotic substances in solid form weighing between twenty grams and under one hundred grams;
- h) Other narcotic substances in liquid form measuring between one hundred millilitres and under two hundred and fifty millilitres;
- i) Involving two or more kinds of narcotics, with the total volume of such substances being equal to the narcotic volume specified in any of Points from e to h, Clause 2 of this Article;
- j) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment:

- a) The crime is committed in a professional manner;
- b) Poppy resin, marijuana resin or coca plasma weighing between one kilogram and under five kilograms;
- c) Heroin or cocaine weighing between thirty grams and under one hundred grams;

- d) Other narcotic substance in solid form weighing between one hundred grams and under three hundred grams;
- e) Other narcotic substance in liquid form measuring between two hundred millilitres and under seven hundred and fifty millilitres;
- f) Involving two or more kinds of narcotics with the total volume of such substances being equal to the narcotic volume specified in any of the Points from b to e, Clause 3 of this Article.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment:

- a) Poppy resin, marijuana resin or coca plasma, weighing five kilograms or more;
- b) Heroin or cocaine weighing one hundred grams or more;
- c) Other narcotic substances in solid form weighing three hundred grams or more;
- d) Other narcotic substances in liquid form, measuring seven hundred and fifty millilitres or more;
- e) Involving two kinds of narcotics with the total volume being equal to the narcotic volume specified in one of the Points from a to d, Clause 4 of this Article.

5. The offenders may also be subject to a fine of between five million dong and five hundred million dong, the confiscation of part or whole of their property, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 194.- Illegally stockpiling, transporting, trading in or appropriating narcotics**

1. Those who illegally store, transport, trade in or appropriate narcotics shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) In an organized manner;
- b) Committing the crime more than once;
- c) Abusing positions and/or powers;
- d) Abusing the names of agencies or organizations;
- e) Conducting cross-border narcotics transportation and/or trading in the same;
- f) Employing children in the commission of the crime or selling narcotics to children;
- g) Opium resin, marijuana resin or coca plasma weighing between five hundred grams and under one kilogram;
- h) Heroin or cocaine weighing between five grams and under thirty grams;
- i) The marijuana leaves, flower and/or fruit or the coca leaves weighing between ten kilograms and under twenty five kilograms;
- j) Dried poppy fruit weighing between fifty kilograms and under two hundred kilograms;
- k) Fresh poppy fruit weighing between ten kilograms and under fifty kilograms;
- l) Other narcotic substances in solid form weighing between twenty grams and under one hundred grams;
- m) Other narcotic substances in liquid form measuring between one hundred millilitres and under two hundred and fifty millilitres;

n) Involving two or more kinds of narcotics with their total volume being equivalent to the narcotic volume specified in one of the Points from g to m, Clause 2 of this Article;

o) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment:

a) Opium resin, marijuana resin or coca plasma weighing between one kilogram and under five kilograms;

b) Heroin or cocaine weighing between thirty grams and under one hundred grams;

c) Marijuana leaves, flower and/or fruit or coca leaves weighing between twenty five kilograms and under seventy five kilograms;

d) Dried poppy fruit weighing between two hundred kilograms and under six hundred kilograms;

e) Fresh poppy fruit weighing between fifty kilograms and under one hundred and fifty kilograms;

f) Other narcotic substances in solid form weighing between one hundred grams and under three hundred grams;

g) Other narcotic substances in liquid form measuring between two hundred millilitres and under seven hundred and fifty millilitres;

h) Involving two or more narcotic substances with the total volume thereof being equivalent to the narcotic volume specified in one of the Points from a to g, Clause 3 of this Article.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment:

a) Opium resin, marijuana resin or coca plasma weighing five kilograms or more;

b) Heroin or cocaine weighing one hundred grams or more;

c) Marijuana leaves, flower, fruit or coca leaves weighing seventy five kilograms or more;

d) Dried poppy fruit weighing six hundred kilograms or more;

e) Fresh poppy fruit weighing one hundred and fifty kilograms or more;

f) Other narcotic substances in solid form weighing three hundred grams or more;

g) Other narcotic substances in liquid form measuring seven hundred and fifty millilitres or more;

h) Involving two or more narcotic substances with the total volume thereof being equivalent to the narcotic volume specified in one of the Points from a to g, Clause 4 of this Article.

5. The offenders may also be subject to a fine of between five million dong and five hundred million dong, the confiscation of part or whole of property, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 195.- Stockpiling, transporting, trading in or appropriating pre-substances for use in the illegal production of narcotics**

1. Those who stockpile, transport, trade in or appropriate pre-substance for use in the illegal production of narcotics shall be sentenced to between one and six years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between six and thirteen years of imprisonment:

a) In an organized manner;

b) Committing the crime more than once;

- c) Abusing positions and/or powers;
- d) Abusing the names of agencies or organizations;
- e) The pre-substance weighs between two hundred grams and five hundred grams;
- f) Conducting the cross-border transportation and/or trading in the same;
- g) Dangerous recidivism.

3. Committing the crime with the pre-substance weighing between five hundred grams and under one thousand two hundred grams, the offenders shall be sentenced to between thirteen and under twenty years of imprisonment.

4. Committing the crime with the pre-substance weighing one thousand two hundred grams or more, the offenders shall be sentenced to twenty years of imprisonment or life imprisonment.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, the confiscation of part or whole of their property, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 196.- Manufacturing, stockpiling, transporting and/or trading in means and/or tools used in the illegal production or use of narcotics**

1. Those who manufacture, stockpile, transport and/or trade in means and/or tools used in the illegal production or use of narcotics shall be sentenced to between one and five years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and ten years of imprisonment:

- a) In an organized manner;
- b) Committing the crime more than once;
- c) Abusing positions and/or powers;
- d) Abusing the names of agencies and/or organizations;
- e) Law-offending objects are in great quantity;
- f) Conducting cross-border transportation and/or trading in the same;
- g) Dangerous recidivism.

3. The offenders may also be subject to a fine of between five million dong and five hundred million dong, the confiscation of part or whole of their property, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

**Article 197.- Organizing the illegal use of narcotics**

1. Those who organize the illegal use of narcotics in any form shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) Committing the crime more than once;
- b) Against more than one person;
- c) Against juveniles aged full 13 or more;
- d) Against women who, the offenders know to be pregnant;

e) Against persons who are giving up drug addiction;

f) Causing harms to the health of other persons with an infirmity rate of between 31% and 60%;

g) Infecting many persons with dangerous diseases;

h) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen and twenty years of imprisonment;

a) Causing harms to another person's health with an infirmity rate of 61% or higher or causing human death;

b) Causing harms to the health of many persons with an infirmity rate of between 31% and 60%;

c) Infecting many persons with dangerous diseases;

d) Against children under 13 years of age.

4. Committing the crime in one of the following circumstances, the offenders shall be sentenced to twenty years of imprisonment, life imprisonment or capital punishment:

a) Causing harm to the health of many persons with an infirmity rate of 61% or higher;

b) Causing death to more than one person or causing other particularly serious consequences.

5. The offenders may also be subject to a fine of between fifty million dong and five hundred million dong, the confiscation of part or whole of their property, to probation or residence ban for one to five years.

#### **Article 198.- Harboursing the illegal use of narcotics**

1. Those who lease or lend places or commit any other act of harboursing the illegal use of narcotics shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

a) Abusing positions and/or powers;

b) Committing the crime more than once;

c) Against children;

d) Against more than one person;

e) Dangerous recidivism.

3. The offenders may also be subject to a fine of between fifty million dong and two hundred million dong, the confiscation of part of whole or their property.

#### **Article 199.- Illegal use of narcotics**

1. Those who illegally use narcotics in any form, have been educated time and again and administratively handled through the measure of being sent to compulsory medical treatment establishments but continue to illegally use narcotics, shall be sentenced to between three months and two years of imprisonment.

2. Those who relapse into this crime shall be sentenced to between two and five years of imprisonment.

#### **Article 200.- Forcing, inducing other persons into illegal use of narcotics**

1. Those who force or induce other persons into illegal use of narcotics shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between seven and fifteen years of imprisonment:

- a) In an organized manner;
- b) Committing the crime more than once;
- c) For base motivation;
- d) Against juveniles aged full 13 or older;
- e) Against women who, the offenders knows to be pregnant;
- f) Against more than one person;
- g) Against persons who are giving up their addiction;
- h) Causing harms to other persons' health with an infirmity rate of between 31% and 60%;
- i) Infecting other persons with dangerous diseases;
- j) Dangerous recidivism.

3. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between fifteen years and twenty years of imprisonment:

- a) Causing harm to other persons' health with an infirmity rate of 61% or higher or causing human death;
- b) Infecting other persons with dangerous diseases;
- c) Against children aged under 13 years.

4. Committing the crime and causing the death of more than one person or other particularly serious consequences, the offenders shall be subject to 20-years imprisonment or life imprisonment.

5. The offenders may also be subject to a fine of between five million dong and one hundred million dong.

**Article 201.- Breaching regulations on management and use of addictive drugs or other narcotic substances**

1. Those who are responsible for the export, import, trading, transport, preservation, distribution, allocation and/or use of addictive drugs or other narcotic substances but violate the regulations on management and use of such substances, shall be subject to a fine of between five million dong and one hundred million dong or to a prison term of between one year and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twelve years of imprisonment:

- a) In an organized manner;
- b) Committing the crime more than once;
- c) Causing serious consequences.

3. Committing the crime in cases where very serious consequence are caused the offenders shall be sentenced to between twelve and twenty years of imprisonment.

4. Committing the crime in cases where particularly serious consequences are caused, the offenders shall be sentenced to twenty years of imprisonment or life imprisonment.

5. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

[...]

**Chapter XIX**

## **CRIMES OF INFRINGEMENT UPON PUBLIC SAFETY, PUBLIC ORDER**

[...]

### **Article 242.- Breaching regulations on medical examination and treatment, drug production, preparations, supply and sale or other medical services**

1. Those who violate the regulations on medical examination and treatment, drug production, preparations, supply and sale or other medical services in circumstances other than those stipulated in Article 201 of this Code, causing the loss of lives or serious damage to the health of other persons or have already been disciplined or administratively sanctioned for such acts or have already sentenced for such offenses, not yet entitled to criminal record remission but continue their violation, shall be sentenced to between one and five years of imprisonment.
2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.
3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.
4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

[...]