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UNITED NATIONS

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

POLAND

Communicated by the Government of Poland

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 [...].

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V.05-89682 (E)

E/NL.2005/48

DECREE OF THE MINISTER OF HEALTH OF MAY 2000 ON THE MANUFACTURING, PROCESSING, CONVERTING, IMPORTING OR EXPORTING AS WELL AS MARKETING NARCOTIC DRUGS, PSYCHOTROPIC SUBSTANCES AND PRECURSOR CHEMICALS

Pursuant to Article 23 Paragraph 14, Article 25 Paragraph 4, Article 27 Paragraph 6, Article 28 Paragraph 4, Article 29 Paragraph 2 and Article 30 of the Act on Counteracting Drug Addition of 24 April 1997[1] (Journal of Laws Nº 75, Item 468 and Nº 88, Item 554, and 1998, Nº 106, Item 668), the following is being ruled:

Chapter 1
General Provisions

§1. This Decree lays dawn:

1) the detailed conditions and procedures for the issuance and revocation of authorizations to manufacture, process, convert and use, for industrial or scientific research purposes, narcotic drugs, psychotropic substances or precursor chemicals within the scope set out in Article 23 Paragraphs 1 to 3, 6 and 8 of the Act on Counteracting Drug Addition of 24 April 1997, hereinafter referred to as the "Act", by economic entities, schools of higher education, research and development centres, other scientific institutes and other organizational units, as well as the obligations of the entities authorized to do so;
2) the detailed conditions for filing activities consisting of scientific research with the use of I-N and II-N groups narcotic drugs, II-P group psychotropic substances or I-R group precursor chemicals, and of manufacturing, processing, converting or using I-R group precursor substances, the conduct of which, under the Act, is subject to authorization, and the obligations of the entities required to file such activities;
3) the detailed conditions and procedures for the issuance of authorizations to import or export narcotic drugs, psychotropic substances, I-R group precursor chemicals and poppy straw, as well as the obligations of the entities authorized to do so;
4) the detailed conditions and procedures for the issuance and revocation of authorizations with regard to wholesale trade in narcotic drugs, psychotropic substances or I-R group precursor chemicals, the obligations of the entities which engage in such activities, as well as the detailed conditions for filing activities consisting of wholesale trade in I-R group precursor chemicals, and the obligations of economic entities required to file such activities;
5) the detailed conditions for storing narcotic drugs, psychotropic substances and preparations containing these drugs or substances by pharmacies, and the method of keeping records with regard to possession of and marketing the same; specification of the preparations containing II-N group narcotic drugs and II-P and IV-P group psychotropic substances the issuance of which by pharmacies is subject to a prescription which does not require special marking, and the preparations containing II-N group narcotic drugs, which may be issued without a prescription, as well as the detailed conditions for the issuance of prescriptions and requisitions for preparations containing narcotic drugs or psychotropic substances. and for the issuance of such preparations by pharmacies;
6) the types of preparations containing I-N, II-N and II-N group narcotic drugs or II-P, III-P and IV-P group psychotropic substances, which were permitted to be traded as pharmaceuticals, as well as their quantities which may be held for medical purposes by health care institutions without in-house pharmacies, animal clinics and by a physician, a dental surgeon or a veterinary surgeon practicing individually. or by another entity:
7) the detailed conditions and procedures for filing reports by the economic entities and other organizational units which were authorized to manufacture, process or convert narcotic drugs or psychotropic substances, to import or export narcotic drugs, psychotropic substances or I-R group precursor chemicals and poppy straw, and to engage in wholesale trade in narcotic drugs or psychotropic substances.

[1] Note by the Secretariat: E/NL.1999/43

Chapter 2
Conditions and procedures for the issuance and revocation of authorizations to manufacture, process, convert or use narcotic drugs, psychotropic substances and I-R group precursor chemicals, and the obligations of entities authorized to do so, as well as the conditions for filing activities not subject to authorization and the obligations of the entity required to file such activities.

§2. The economic entities which intend to manufacture, process or convert narcotic drugs, psychotropic substances or I-R group precursor chemicals, schools of higher education, research and development centres or other scientific institutes intending to manufacture, process or convert for research purposes I-N, II-N and IV-N group narcotic drugs, I-P, II-P and III-P group psychotropic substances or I-R group precursor chemicals, economic entities or other organizational units intending to use for industrial purposes II-N group narcotic drugs or II-P, IIIP and IV-P group psychotropic substances and I-R group precursor chemicals, as well as schools of higher education, research and development centres or other research institutes intending to use for the purpose of conducting scientific research IV-N group narcotic drugs or I-P group psychotropic substances shall file applications for authorization to do so.

§3. The authorization application to engage in the activities referred to in Article 23 Paragraphs 1 and 2 of the Act shall contain:
1) the number and date of issuance of the license to manufacture pharmaceuticals, with respect to entities manufacturing pharmaceuticals;
2) the full name and address of the manufacturing, processing or converting entity;
3) an indication of the place where the activities referred to in the application are carried out;
4) specification of the scope of activities, a listing of the types of narcotic drugs, psychotropic substances and I-R group precursor chemicals;
5) technical justification for the standard of use of the output substance and the losses which may arise at various production stages;
6) the method of storing and securing against unauthorized access, and the distribution and record-keeping systems;
7) ersonal data (name, education, years of employment) of the person responsible for ensuring control and security of the drugs, substances and precursor chemicals at the manufacturing plant or another organizational unit;
8) the date of the application and the applicant's signature.

§4. The authorization application to engage in the activities referred to in Article 23 Paragraph 3 and Paragraph 8 of the Act shall contain:
1) the name and detailed address of the research and development centre, the school of higher education or another scientific institute;
2) specification of the organizational unit at which the drugs will be manufactured, processed, converted or used;
3) the type, quantity and designation of each of the narcotic drugs, psychotropic substances or I-R group precursor chemicals;
4) the method of storing and securing narcotic drugs, psychotropic substances and I-R group precursor chemicals against seizure or use for purposes contrary to their designation;
5) personal data (name, education, years of employment) of the person responsible for ensuring control and security of the drugs and substances at the research and development centre, the school of higher education or another scientific institute;
6) the date of the application and the applicant's signature.

§5. The authorization application to engage in the activities referred to in Article 23 Paragraph 6 of the Act shall contain:
1) the name and address of the economic entity or another organizational unit;
2) an indication of the place where the activities referred to in the application are carried out;
3) the type, quantity and designation of the drugs and substances subject of the application;
4) personal data (name, education, years of employment) of the person responsible for ensuring control and security of the drugs and substances;
5) the method of storing and securing narcotic drugs, psychotropic substances and I-R group precursor chemicals against seizure or use for purposes contrary to their designation

§6. Personal data of the person responsible for ensuring control and security of the drugs, substances and precursor chemicals may only be processed in compliance with the Personal Data Protection Act of 29 August 1997 (Journal of Laws Nº 133, Item 883 and 2000, Nº 12, Item 136).

§7.1. The authorization to manufacture, process or convert narcotic drugs, psychotropic substances or I-R group precursor chemicals, excluding the manufacture, processing or conversion of the narcotic drugs or psychotropic substances referred to in Article 23 Paragraph 3 of the Act, shall be issued upon ascertaining that the applicant entity meets the requirements set forth in Article 23 Paragraph 5 of the Act, and in particular:

1) has in place the relevant procedures and the proper control over the process of manufacture, processing, conversion, storage and trade;
2) employs, subject to the reservation of Paragraph 2, a person who is a pharmacist with at least two years of professional experience, responsible for manufacture, processing or conversion of the narcotic drugs, psychotropic substances or I-R group precursor chemicals, whose duties include in particular:
    a) keeping records of narcotic drugs, psychotropic substances and T-R group precursor chemicals;
    b) supervising the storage of narcotic drugs, psychotropic substances and I-R group precursor chemicals, including archived samples;
    c) supervising the movement of narcotic drugs, psychotropic substances and I-R group precursor chemicals within the plant and putting them on the market;
    d) supervising the compliance of use of narcotic drugs, psychotropic substances and I-R group precursor chemicals for the purpose of manufacture, processing or conversion with the standards set by the manufacturer;
3) has the proper system to secure the premises where narcotic drugs, psychotropic substances and I-R group precursor chemicals are manufactured or stored against theft or unauthorized use or against use thereof for purposes contrary to their designation;
4) presents the method of marketing and keeping records of additions and disposals of the raw materials used in the manufacture of half-finished products and final products, as required in this Decree;
5) determines technically justifiable standards of use of output substances considered as narcotic drugs, psychotropic substances and I-R group precursor chemicals, used in the manufacturing process and the standard of admissible losses at various production stages.

§7.2. The economic entities which do not engage in business activities within the scope of manufacture of pharmaceuticals or medical materials within the meaning of the Act on Pharmaceuticals, Medical Materials, Pharmacies, Wholesalers and the Pharmaceutical Inspectorate dated 10 October 1991 (Journal of Laws Nº 105, Item 452, amended in 1993, Nº 16, Item 68 and Nº 47, Item 211; 1996, Nº 106, Item 496; 1997, Nº 28, Item 152, Nº 43, Item 272, Nº 60, Item 369, Nº 88, Item 554, Nº 121, Item 770; 1998, Nº 196, Item 668; 1999, Nº 70, Item 778; 2000, Nº 12, Item 136) and which use I-R group precursor chemicals may employ a person with a degree in chemistry at the position referred to in Paragraph 1 Item 2.

§8. The authorization to manufacture, process or convert for the purpose of scientific research I-N, II-N and IV-N group narcotic drugs, I-P, II-P and III-P group psychotropic substances or I-R group precursor chemicals, the authorization to use for industrial purposes II-N group narcotic drugs, II-P, III-P and IV-P group psychotropic substances or I-R group precursor chemicals and the authorization to use for the purpose of scientific research IV-N group narcotic drugs or II-P, III-P and IV-P group psychotropic substances shall be issued upon ascertaining that the manufacturing and marketing conditions ensure security against the use of the drugs, substances or precursor chemicals subject of the authorization by unauthorized persons or for purposes other than those set out in the authorization, and in particular that the entity:

1) has in place the relevant procedures and the proper control over the process of manufacture, conversion, storage and distribution;

2) employs a person responsible for manufacture, processing, conversion and use of the narcotic drug, psychotropic substance or I-R group precursor chemical, assigned the duties set out in §7 Paragraph 1 Item 2, such employee being in the case of a school of higher education, a research and development centre or another scientific institute a research analyst or a research and development analyst;
3) has the proper system to secure the manufacturing and storage premises.

§9. The authorizations referred to in §7 and 8 shall be issued for an indefinite period of time, unless the authorizing body considers that given the type of activities it is advisable to issue the authorization for a definite period of time.

§10.1. The obligations of the entity holding an authorization to engage in the activities referred to in Article 23 Paragraphs 1 to 3, 6 and 8 of the Act shall include:
1) to keep records of additions and disposals of I-N and II-N group narcotic drugs, II-P, III-P and IV-P group psychotropic substances and I-R group precursor chemicals;
2) to keep records, subject to Paragraph 2, of technically justifiable standards of use of narcotic drugs, psychotropic substances and I-R group precursor chemicals and the standard of admissible losses at various stages of manufacture, processing and conversion;
3) to issue narcotic drugs, psychotropic substances and I-R group precursor chemicals only on the basis of a written requisition the model form of which is enclosed as Attachment Nº 1[2] to this Decree, and against a confirmation of receipt;
4) to store narcotic drugs, psychotropic substances and I-R group precursor chemicals in selected premises equipped with alarm installations and with the door of a proper structure, lockable with at least two locks with a complicated opening mechanism and with the windows secured with metal bars.

§10.2. The record-keeping referred to in Paragraph 1 Item 2 shall not apply to schools of higher education, research and development centres or other scientific institutes.

§11.1. The records of additions and disposals of I-N and II-N group narcotic drugs and II-P group psychotropic substances shall be kept in the form of a book controlling narcotic drugs and psychotropic substances, hereinafter referred to as the "control book", according to the model forms set out in Attachment Nº 2 to this Decree.

§11.2. Additionally, it may be allowed to keep records of additions and disposals of the narcotic drugs and psychotropic substances referred to in Paragraph 1 above in the form of electronic entries secured against revisions through data printouts or through preparation of secure copies thereof on electronic carriers.

§11.3. Records of additions and disposals of II-P and IV-P group psychotropic substances and I-R group precursor chemicals shall be kept in the form of electronic entries secured against revisions through data printouts or through preparation of secure copies thereof on electronic carriers. to be made not less than every seven days, sequence numbered and stored for a period of five years.

§11.4. Before it starts to be kept, the control book needs to be approved.

§11.5. The approval is made through putting a signature and a seal of the Voivodeship Pharmaceutical Inspector on the book.

§12.1. The control book shall contain numbered and string-bound sheets.

§12.2. Entries in the control book shall be made separately for each type, form and dose of the narcotic drug or psychotropic substance on a separate sheet on the date of addition or disposal of the drug or substance in question. The quantities of narcotic drugs or psychotropic substances shall be given in pieces, kilograms or grams.

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[2] Note by the Secretariat: Attachments Nº 1-Nº 8 are not reproduced in this document and are available from the Secretariat on request.

§12.3. The control book shall be retained for a period of five years counted from the end of the calendar year in which the last entry was made.

§13. The documentation of technically justifiable standards of use, as referred to in §10 Paragraph 1 Item 2, shall be stored in the place where the narcotic drug, the psychotropic substance or the precursor chemical in question is manufactured, processed or converted.

§14. The entity referred to in § 10 shall apply the regulations on dangerous wastes with respect to the wastes arising during manufacture, processing or conversion and containing narcotic drugs or psychotropic substances.

§15.1. The authorization to carry out the activities referred to in Article 23 Paragraphs 1 to 3. 6 and 8 of the Act may be revoked in the cases set forth in the Act.

§15.2. The authorization is revoked after the Voivodeship Pharmaceutical Inspector ascertains non-compliance with the provisions of the Act or failure to meet the terms set forth in the authorization.

§15.3. The authorization shall be revoked by the body which granted it.

§16.1. The activities consisting of manufacture, processing, conversion or use of I-R group precursor chemicals and consisting of scientific research with the use of I-N and II-N group narcotic drugs, II-P group psychotropic substances and I-R group precursor chemicals, which are not subject to authorization, shall be filed with the Voivodeship Pharmaceutical Inspector.

§16.2. The filing referred to in Paragraph I shall be made within at least 30 days before the commencement of activities.

§16.3. The filing shall contain:
1) the full name and address of the economic entity;
2) an indication of the place of activities;
3) specification of the scope of activities, including the list of narcotic drugs, psychotropic substances and I-R group precursor chemicals to be used;
4) the method of storing and securing narcotic drugs, psychotropic substances and I-R group precursor chemicals against theft or destruction.

§16.4. The entity engaging in the activities referred to in Paragraph 1 shall file termination of these activities within not less than 30 days prior to termination.

Chapter 3
The conditions and procedures for the issuance of authorizations to import and export narcotic drugs, psychotropic substances, I-R group precursor chemicals or poppy straw, and obligations of the importing and exporting entities

§17.1. The economic entity which applies for an authorization to import narcotic drugs, psychotropic substances, I-R group precursor chemicals or poppy straw, hereinafter referred to as the "import certificate", shall file an application containing:
1) the name and address of the economic entity applying for the import certificate, and if necessary, the name of the economic entity on behalf of which the importation is to take place;
2) the number of the authorization referred to in Article 23 Paragraph 1 or Article 27 Paragraph 1 of the Act;
3) the type and quantity of the narcotic drug, psychotropic substance, I-R group precursor chemical or poppy straw to be imported; if the application refers to preparations, it is necessary additionally to specify the dose or percentage contents of the pure narcotic drug, psychotropic substance or I-R group precursor chemical; if the application refers to opium, additionally, its category and the contents of morphine must be given;
4) the name and address of the dispatching entity and the exporting country;
5) an indication of the border-crossing point through which the importation will take place;

6) an indication of the purpose for which the narcotic drug, psychotropic substance, I-R groupprecursor chemical or poppy straw is to be imported;
7) the signature of the employee responsible for manufacture, processing, conversion as well as storage and marketing of narcotic drugs, psychotropic substances, precursor chemicals and poppy straw.

§17.2. If the application referred to in Paragraph 1 above is filed in order to place shipment in a customs warehouse, the economic entity concerned should enclose an appropriate statement to that effect with the application.

§18.1. The economic entity which applies for an authorization to export narcotic drugs, psychotropic substances, I-R group precursor chemicals or poppy straw, hereinafter referred to as the "export certificate", shall file an application containing:
1) the name and address of the economic entity applying for the export certificate, and if necessary, the name and address of the manufacturer;
2) the number of the import authorization issued by the competent authorities in the country of import;
3) the type and quantity of the narcotic drug, psychotropic substance, I-R group precursor chemical or poppy straw to be imported; if the application refers to preparations, it is necessary additionally to specify the dose or percentage contents of the pure narcotic drug or psychotropic substance; if the application refers to opium, additionally, its category and the contents of morphine must be given;
4) an indication of the border-crossing point through which the exportation will take place;
5) the name and address of the receiver and the destination country.

§18.1. The application shall be accompanied by the original import authorization issued by the competent authorities of the country of import.

§19.1. The import certificate and the export certificate shall be valid for three months from the date they were issued.

§19.2. The import certificate and the export certificate shall be issued in Polish and English.

§19.3. The model form of the import certificate is enclosed as Attachment Nº 3 to this Decree, and the model form of the export certificate is enclosed as Attachment Nº 4 to this Decree.

§20.1. The economic entity which holds an import certificate or an export certificate shall be required in particular:
1) to keep records of additions and disposals of narcotic drugs, psychotropic substances, I-R group precursor chemicals and poppy straw;
2) store narcotic drugs, psychotropic substances, I-R group precursor chemicals and poppy straw in separate premises which meet the requirements set forth in § 10 Paragraph 1 Item 4;
3) issue narcotic drugs, psychotropic substances, I-R group precursor chemicals and poppy straw only on the basis of a requisition in writing in the form enclosed as Attachment Nº I to this Decree and against a confirmation of receipt.

§20.1. The records of additions and disposals, as referred to in Paragraph 1 Item 1, shall be kept by the economic entity on the terms and in the manner set out in § 11 and § 12.

Chapter 4
Wholesale trade in narcotic drugs, psychotropic substances and precursor chemicals

§21.1. The economic entity which seeks an authorization to trade on a wholesale basis in narcotic drugs, psychotropic substances and I-R group precursor chemicals shall file an application containing:
1) the number and date of the pharmaceutical wholesaler license;
2) the full name and address of the economic entity concerned;
3) an indication of the place where the activities referred to in the application are carried out; the address of the warehouse where the drugs and substances are stored;
4) specification of the group of the narcotic drugs, psychotropic substances and I-R group precursor chemicals to which the application refers;

5) the method of storing and securing narcotic drugs, psychotropic substances and I-R group precursor chemicals against seizure or use for purposes contrary to their designation;
6) personal data of the person responsible for ensuring control and security of the drugs and substances at the wholesaler;
7) the date of the application and the applicant's signature.

§21.2. The information referred to in Paragraph 1 Item 6 may only be processed in compliance with the provisions of the Personal Data Protection Act of 29 August 1997.

§22. The wholesale trade authorization may be issued after it is ascertained by the Voivodeship Pharmaceutical Inspector that the economic entity meets the conditions set forth in Article 27 Paragraph 4 of the Act, and in particular:
1) has the proper system to secure the warehouse premises intended solely for the storage of narcotic drugs, psychotropic substances and I-R group precursor chemicals subject of the authorization;
2) has the proper control over the trade and record-keeping of narcotic drugs, psychotropic substances and I-R group precursor chemicals;
3) employs a person who is a pharmacist with at least two years of professional experience, whose duties are those listed in §7 Paragraph 1 Item 2.

§23.1. The authorization referred to in §22 shall be issued by the minister for health.

§23.2. To engage in wholesale trade in narcotic drugs, psychotropic substances and precursor chemicals entered in the register of the minister for agriculture the .minister for health shall issue a separate authorization.

§24. The economic entity which engages in wholesale trade in narcotic drugs, psychotropic substances and I-R group precursor chemicals shall be required in particular:
1) to store narcotic drugs, psychotropic substances and precursor chemicals in accordance with §10 Paragraph 1 Item 4;
2) to issue narcotic drugs, psychotropic substances and I-R group precursor chemicals only on the basis of a requisition in writing in the form set out in Attachment Nº 1 to this Decree and against a confirmation of receipt;
3) to keep records of additions and disposals of narcotic drugs, psychotropic substances and I-R group precursor chemicals in the manner and on the terms set forth in § 11 and § 12.

§25.1. The wholesale trade authorization may be revoked in the cases provided for in the Act

§25.2. The authorization shall be revoked when the Voivodeship Pharmaceutical Inspector ascertains non-compliance with the provisions of the Act or failure to meet the conditions set forth in the authorization.

§25.3. The authorization shall be revoked by the body which granted it.

§26.1. The economic entity which intends to take up business activities consisting of wholesale trade in I-R group precursor chemicals the list of which was determined by the minister for health under Article 23 Paragraph 13 of the Act shall be required to notify its intention to do so within not less than 30 days before the commencement of such activities.

§26.2. The notification shall also apply to the information about termination of the activities referred to in Paragraph 1.

§26.3. The notification about termination of activities shall be made within not less than 30 days before the date of termination.

§26.4. The notification referred to in Paragraphs 1 and 2 shall contain:
1) the full name and address of the economic entity concerned;
2) an indication of the place where such activities are to be carried out;
3) specification of the scope of activities, listing the names of active substances being traded;

4) the method of storing and securing narcotic drugs, psychotropic substances and precursor chemicals against theft or destruction.

§27. The economic entity which carries out business activities consisting of wholesale trade in I-R group precursor chemicals, as referred to in §26, shall be required in particular:
1) to secure I-R group precursor chemicals against theft or destruction;
2) to notify termination of the activities within not less than 30 days before such termination;
3) to keep documentation containing:
a) the list of all suppliers and receivers;
b) the proofs of purchase and sale, containing in particular the name of the substance, its form, quantity or concentration, the size of packaging, the series number and the term of validity;
c) the date of delivery or issue and the stamp and signature of the wholesaler's manager or another person controlling acceptance or sale of the drug or material and authorized in writing by the wholesaler's manager;
d) registers of returns;
e) documentation on the destruction of those precursor chemicals which do not meet quality requirements, specifying the method, place and supervision over their destruction.

Chapter 5
Retail trade in narcotic drugs and psychotropic substances

§28. Retail trade in narcotic drugs and psychotropic substances shall be carried out by pharmacies.

§29. The pharmacy shall issue preparations containing narcotic drugs or psychotropic substances on the basis of a prescription or requisition.

§30. The model form of prescription on the basis of which pharmacies issue preparations containing narcotic drugs or psychotropic substances is set out in the regulations adopted under Article 45 Paragraph 3 of the Act on Medical Profession of 5 December 1996 (Journal of Laws 1997, Nº 28, Item 152 and Nº 88, Item 554, and 1998, Nº 106, Item 668 and Nº 162, Item 115 and 2000, Nº 6, Item 70 and Nº 12, Item 136) and Article 45 of the Act on General Health Insurance of 6 February 1997 (Journal of Laws Nº 28, Item 153 and Nº 75, Item 468, 1998, Nº 117, Item 756, Nº 137, Item 887 and Nº 144, Item 929 and Nº 162, Item 1116, 1999, Nº 45, Item 439 and Nº 49, Item 483, Nº 63, Item 7000, Nº 70, Item 777, Nº 72, Item 82, Nº 109, Item 1236, Nº 110, Item 1255 and 1258, and 2000, Nº 12, Item 139 and Nº 18, Item 230).

§31. A prescription for preparations containing narcotic drugs or psychotropic substances shall, in addition to the information set out in the decree referred to in §30, contain also the quantity of the narcotic drug or psychotropic substance, expressed additionally in words, and the method of drug administration.

§32.1. A prescription may only refer to such quantity of the drug or substance which does not exceed 10 times the single maximum dose, as specified in the Polish Pharmacopoeia, and where the dose is not specified therein, then the quantity which does not exceed 10 times the single usually applied maximum dose, subject to Paragraph 2. The list of maximum doses according to the Polish Pharmacopoeia V is enclosed as Attachment Nº 5 to this Decree.

§32.2. A prescription for narcotic drugs containing morphine salts, issued to a patient with a tumour disease at an advanced stage, may refer to such quantity of the drug which does not exceed 40 times the single maximum dose specified in the Polish Pharmacopoeia, and where the dose is not specified therein, such quantity which does not exceed 4.0 g of morphine salts.

§32.3. At the request of the prescription issuer the relevant Voivodeship Pharmaceutical Inspector may consent to the writing of a prescription for a I-N group narcotic drug or a II-P group psychotropic substance in a quantity exceeding those set out in Paragraphs I and 2. In any case, the quantity shall not exceed the patient's demand for a two-week treatment. The document confirming the consent is enclosed as Attachment Nº 6 to this Decree.

§32.4. The application for the consent referred to in Paragraph 3 shall contain:
1) the name and address of the health care institution or medical practice which seeks the consent;

2) the name, age and address of the patient;
3) the name, form and dose of the narcotic drug or psychotropic substance;
4) the quantity of the drug or substance to be written on a single prescription;
5) the dosage;
6) the name and signature of the physician who will issue the prescriptions.

§32.5. The consent referred to in Paragraph 3 shall be issued for a definite period of time not exceeding three months.

§32.6. The consent referred to in Paragraph 3 shall be presented at each purchase of a prescription for a I-N group narcotic drug or II-P group psychotropic substances in quantities exceeding those set out in Paragraphs 1 and 2.

§32.7. The provisions of Paragraphs 1 to 5 shall not apply to prescriptions for preparations containing 111-N group narcotic drugs or II-P group psychotropic substances.

§32.8. Prescriptions for medications intended to be applied on animals and pertaining to preparations which contain I-N group narcotic drugs or II-P group psychotropic substances may only refer to such quantity of the drug or substance which does not exceed five times the single prescribed dose.

§33.1. Each prescription written for a preparation containing a narcotic drug or a psychotropic substance shall be recorded in the patient's or sick animal's medical file.

§33.2. The entry in the file referred to in Paragraph 1 above shall include:
1) the sequence number of the entry;
2) the patient's name, age and address, and where the prescription is written for a sick animal, the species, sex and breed, as well as the name and address of its owner;
3) the diagnosis;
4) the name and quantity of ready-made medication or the contents of the prescription drug prescribed;
5) the issuance date of the prescription.

§33.3. The provisions of Paragraphs 1 and 2 shall also apply to prescriptions issued for own needs of the physician or physician's family.

§34.1. Subject to Paragraph 2, the pharmacy issuing a prescription medication containing a narcotic drug or a psychotropic substance shall, together with the medication, issue a description of the prescription.

§34.2. The prescription description shall not be issued if the prescription contains the note ,.to be issued without description".

§35. Prescriptions issued for preparations containing I-N group narcotic drugs or II-P and III-P group psychotropic substances shall be executed by pharmacies within 14 days after the issuance date of the prescription.

§36. Pharmacies shall not issue preparations containing narcotic drugs or psychotropic substances to persons under 18 years of age.

§37.1. Preparations containing narcotic drugs or psychotropic substances shall be issued by pharmacies on the basis of requisitions for purposes of a health care institution, a medical practice, an animal clinic or another entity entitled to possess the same.

§37.2. The model form of a requisition for preparations containing narcotic drugs or psychotropic substances for purposes of a health care institution or a private medical office, and for preparations containing narcotic drugs or psychotropic substances issued for purposes of an animal clinic or another entity entitled to possess the same is enclosed as Attachment Nº 7 to this Decree.

§38. In the event of any doubts as to the legitimacy of a prescription or a requisition, the pharmacy shall refuse to execute and shall retain the prescription or requisition.

§39.1. The method of storing narcotic drugs, psychotropic substances or preparations containing narcotic drugs or psychotropic substances in a pharmacy shall ensure security against theft or destruction.

§39.2. Pharmacies shall be required in particular:
1) to store I-N and II-N group narcotic drugs and II-P group psychotropic substances in properly secured premises, in locked metal cabinets or cassettes affixed permanently to the walls or floor of the premises;
2) to store TTT-P and IV-P group psychotropic substances in lockable storage and dispatching cabinets.

§40.1. The pharmacy which trades in narcotic drugs and psychotropic substances shall keep records of additions and disposals thereof in the manner and on the terms set forth in § 11 and § 12.
§40.2. The record-keeping referred to in Paragraph 1 above shall be the responsibility of the pharmacy manager.

§40.3. The pharmacy manager may authorize a pharmacist authorized to practice the profession independently to keep such records.

§40.4. Preparations containing II-N group narcotic drugs, III-P and IV-P group psychotropic substances which are placed on the official list of pharmaceuticals and medical materials allowed to be marketed, issued under Article 18 Paragraph 2 of the Act on Pharmaceuticals, Medical Materials, Pharmacies, Wholesalers and the Pharmaceutical Inspectorate dated 10 October 1991, and which:
1) are marked "Rp" - may be issued on prescriptions without any special markings;
2) are not marked "Rp" - may be issued without prescription.

Chapter 6
Types of narcotic drugs and psychotropic substances, and the conditions of storing and keeping records thereof at health care institutions not having in-house pharmacies and at animal clinics and other entities

§41. A health care institution without an in-house pharmacy, an animal clinic, a physician, a dental surgeon or a veterinary surgeon who runs an individual medical practice, and with respect to a physician or a dental surgeon, who also runs an individual specialized medical practice, or who provides health services within a group medical practice, as well as sea-going vessels, with the exception of vessels of exclusively harbour, inshore or inland navigation, and aircrafts performing international flights, as well as an army physician, a physician of a naval vessel and an army sanitary depot may possess for medical purposes pharmaceuticals containing I-N, II-N and III-N group narcotic drugs or II-P, III-P and IV-P group psychotropic substances.

§42.l. The entities referred to in §41 above may possess narcotic drugs and psychotropic substances which are allowed to be marketed and whose specifics are related to the services provided.

§42.2. The stock of preparations containing I-N and II-N group narcotic drugs and II-P, III-P and IV-P group psychotropic substances, which may be in possession of entities, shall not exceed:
1) with respect to health care institutions and animal clinics, the average 14 days' use;
2) with respect to physicians, dental surgeons or veterinary surgeons, the average seven days'use;
3) with respect to see-going vessels and aircrafts, the standards determined by the World Health Organization;
4) with respect to war stocks warehouses of military units and army sanitary depots, the standards provided for in relevant regulations.

§43.1. The entities referred to in §41 shall be required to store preparations containing the narcotic drugs or psychotropic substances specified in §42 in the conditions securing them against theft or destruction.

§43.1. The pharmaceuticals referred to in Paragraph 1 shall be stored in separate premises in locked metal cassettes affixed permanently to the floor and placed out of sight.

§44.1. The entities referred to in §41 shall be required to keep records of possession and use of pharmaceutical preparations containing narcotic drugs and psychotropic substances.

§44.2. The records of possession and use of the drugs referred to in Paragraph 1 above shall be kept in the form of a control book by the entity on the terms and in the manner set out in § 11 and § 12, provided that the book shall be first approved by the manager of the entity keeping the records, and with respect to a vessel, by its captain.

§45.1. Entries in the control book shall only be made by the person responsible for storage and use of preparations containing narcotic drugs or psychotropic substances and authorized by the entity's manager.

§45.2. The person referred to in Paragraph 1 above may be:

1) a pharmacist or a physician - at a health care institution,
2) the persons referred to in Item 1 and persons with other degrees in medicine - at a research laboratory;
3) a veterinary surgeon or a pharmacist - at an animal clinic;
4) a physician, the captain or an officer authorized by the captain - on a vessel;
5) a physician, a dental surgeon, a pharmacist or a nurse with a degree in nursing profession - at health care institutions which are emergency stations or at care and treatment institutions and nursing and care institutions.

Chapter 7
Rules and procedures for filing reports on the activities subject to authorization

§46. The economic entities and other organizational units which were granted the authorization referred to in Article 23 Paragraph 1, Article 25, Paragraphs 2, 3 and 5 and Article 27 Paragraph 1 of the Act shall be required to file reports on the activities subject to authorization.

§47.1. The reports for a given year referred to in §46 shall be filed by the economic entity or another unit once a year not later than the end of February of the following year.

§47.2. The report shall be filed in the form enclosed as Attachment Nº 8 to this Decree.

§47.3. The report shall be signed by the manager and the person responsible for supervision over narcotic drugs, psychotropic substances and I-R group precursor chemicals.

Chapter 8
Final and interim provisions

§48. The authorizations granted under the existing provisions shall remain valid, however, only until the dates indicated in the authorization.

§49. The control books of narcotic drugs and psychotropic substances kept before the effective date of this Decree may be kept on the existing terms, however, only until 31 December 2000.

§50. This Decree shall enter into force 14 days after its promulgation.

Minister of Health

E/NL.2005/49

THE LAW OF 24 APRIL 1997 ON COUNTERACTING DRUG ADDICTION[1] (as amended on 26 October 2000)

Chapter 1 General Provisions

Article 1

1. The Law sets the principles of counteracting drug addiction.
2. Counteracting drug addiction includes:
   1) educational and preventive actions;
   2) medical treatment, rehabilitation and re-adaptation of addicted persons;
   3) supervision over substances with addiction-forming liability;
   4) combating the illicit trading, production, processing, conversion and possession of substances with addiction-forming liability;
   5) supervision over the cultivation of plants containing substances with addiction-forming liability.

Article 2

The provisions of the Law are applicable respectively to:

1) pharmaceutical agents classified as narcotic drugs or psychotropic substances, within the scope not regulated by the provisions on pharmaceutical agents, medical materials, pharmacies, wholesaling enterprises and pharmaceutical supervision;
2) poisons and harmful substances classified as precursors, within the scope not regulated by provisions on poisonous substances.

Article 3

1. The tasks in the field of counteracting drug addiction shall be implemented by organs of State administration and local governments.
2. The tasks concerning counteracting drug addiction shall be implemented, in the scope defined in the Law, also by:
   1) Schools and units incorporated into the educational system and higher education facilities;
   2) health care units and other organisational units, operating within the health service system;
   3) Armed Forces and Police units;
   4) sports clubs;
   5) reformatory institutions, detention centres and penitentiary institutions;
3. The implementation of tasks in the field of counteracting drug addiction shall be conducted particularly with the participation of associations, social organisations, foundations, churches and other religious associations, families of addicted persons and self-aid groups of addicted persons and their families.

Article 4

1. The National Programme for Counteracting Drug Addiction shall provide the legal grounds for activities in the field of counteracting drug addiction.
2. The National Programme for Counteracting Drug Addiction shall be adopted by the Council of Ministers upon motion filed by the Minister competent for health matters.
3. The Council of Ministers shall submit to the Polish Parliament, the Sejm, by June 30 each year, the annual report on the implementation of the National Programme for Counteracting Drug Addiction.

Article 5

1. The Council for Counteracting Drug Addiction, hereinafter referred to as the "Council" is hereby established.
2. The Council shall operate by the Council of Ministers.
3. The Council shall act as an opinion-making and advisory organ on issues pertaining to counteracting drug addiction.

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[1] Note by the Secretariat: E/NL.1999/43

4. The Council shall consist of representatives of supreme and central State Administration organs, responsible for counteracting drug addiction.
5. Other Members of the Council shall include representatives of associations, foundations, churches and other religious associations, professional self-governments and other units, operating within the scope of counteracting drug addiction, delegated by such entities.
6. The Chairman of the Council of Ministers shall set, by way of an Ordinance, the composition and tasks of the Council, as well as the detailed conditions and procedures of its operations.

Article 6

Wherever this Law mentions:

1) precursor - it means any natural or synthetic substance which may be converted into a narcotic drug or a psychotropic substance or may be used for their manufacture, listed in the catalogue of precursors, appended to this Law as Appendix Nº 1[2];
2) narcotic substance - it means any natural or synthetic substance affecting the central nervous system, listed in the catalogue of narcotic drugs, appended to this Law as Appendix Nº 1;
3) psychotropic substance - it means any natural (including hallucinatory mushrooms) or synthetic substance, affecting the central nervous system, listed in the catalogue of psychotropic substances, appended to this Law as Appendix Nº 3;
4) substitute drug - it means a substance in any physical state, which is a poison or a harmful substance, used instead of or for the same non-medical purpose, as a narcotic drug or psychotropic substance;
5) drug addiction - it means chronic or habitual use for other than medically warranted purposes of narcotic drugs or psychotropic substances or substitute drugs having an addiction-forming or addiction sustaining liability;
6) dependence from narcotic drugs or psychotropic substances - it means a syndrome of psychic or physical symptoms, caused by the action of such drugs or substances upon human organism, typified by altered behaviour or other psycho-physical reactions and the necessity for chronic or habitual use of such drugs or substances in order to experience their influence upon the mind or to avoid the consequences caused by their deficiency;
7) person under risk of addiction - it means any person, in the case of which the concurrence of mental symptoms and environmental impacts cause high probability of dependence from narcotic drugs or psychotropic substances, or persons sporadically using narcotic drugs or psychotropic substances or substitute drugs;
8) addicted person - it means any person who in result to using narcotic drugs, psychotropic substances or substitute drugs or in result of their use for medically warranted purposes developed a state of dependence from such drugs or substances;
9) use - it means the introduction into human organism of a narcotic drug, psychotropic substance or a substitute drug, regardless of the method of administration;
9a) treatment - it means treatment of addiction itself, without treatment of all health consequences of addiction;
10) substitute treatment - it means the application, within the framework of an addiction treatment programme, of a narcotic drug or psychotropic substance;
11) rehabilitation - it means the activities aimed at restoring the physical or mental fitness, reduced or lost due to drug addiction;
12) re-adaptation - it means the activities aimed at adjusting the conditions of external or professional environment of persons, who in consequence of drug addiction experience difficulties with adaptation to environment;
13) poppy - it means a plant, member of a family which includes a number of species, such as poppy (Papaver somniferum L.), also referred to as garden or cultivated poppy;
14) low-morphine poppy - it means a plant, member of a family which includes a number of species, representing the variety in which the morphine content in the seedpods (poppy heads) without seeds, together with the adjoining stem 7 cm long is less than 0.06 per cent in terms of morphine base and dry substance of the plant parts specified above;
15) poppy milk - it means the milky sap extracted from poppy seedpods (poppy heads);
16) opium - it means the solidified milky sap extracted from poppy seed pods (poppy heads);

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[2] Note by the Secretariat: Appendixes Nº 1-Nº 3 are not reproduced in this document and are available from the Secretariat on request.

17) opium straw - it means poppy seedpods (poppy heads) without seeds, including the stems, or their separate parts;
18) cannabis - it means a plant, member of cannabis family (Cannabis L.);
19) hemp - it means a plant, member of the Cannabis Sativa L. variety, typified by the Delta-9-Tetrahydrocannabinol content in the dry matter of the herb of less than 0.30 per cent;
20) cannabis herb - it means the flowering or fruiting tops of cannabis plants, from which the resin has not been removed;
21) cannabis resin - it means the resin and all other cannabis products containing Delta-9-Tetrahydrocannabinol or other biologically active cannabinols;
22) poppy or cannabis cultivation - it means the plantations of these plants regardless of the area under cultivation;
22a) hallucinatory mushrooms - it means mushrooms containing psychotropic substances;
23) manufacture - it means the activities which may result in the production of narcotic drugs or psychotropic substances or their precursors, their purification, the extraction of raw materials and semi-products and the production of salts of such drugs or substances;
24) processing - it means the activities aimed at converting the narcotic drugs, psychotropic substances or precursors into other narcotic drugs, psychotropic substances or precursors or substances which are not narcotic drugs, psychotropic substances or precursors;
25) conversion - it means the production of solid or liquid mixtures of narcotic drugs, psychotropic substances or precursors or the transformation of such drugs or substances into forms applied in medicine;
26) preparation - it means a solution or mixture in any physical state, containing one or more narcotic drugs or psychotropic substances or their precursors, applied in medical treatment as medicine, used in doses or in undivided form.

Chapter 2
Preventive and Educational Activities

Article 7

1. Preventive and educational activities shall consist of the following:
   1) promotion of mental health;
   2 promotion of healthy lifestyle;
   3) information on the harmful nature of drugs and substances with addiction-forming liability, as well as on drug addiction and its consequence;
2. The tasks mentioned in Item 1 shall be implemented in particular by:
   1) introduction of issues pertaining to the prevention of drug addiction into the curricula of schools and other institutions of the educational system;
   2) introduction of issues pertaining to the prevention of drug addiction into the curricula of vocational training courses for persons, responsible for education at schools and other institutions of the educational system;
   3) creating units responsible for running preventive activities, particularly in environments under high risk of addiction;
   4) supporting the activities of national and local organisations, mentioned in Article 3 Item 3 and other social initiatives;
   5) incorporating the issues pertaining to the prevention of drug addiction into the operations of public TV and other mass media;
   6) conducting research into drug addiction issues;
3. The tasks within the scope of educational and preventive activities shall be determined in detail by the National Programme for Counteracting Drug Addiction.

Article 8

1. The Minister competent for matters of education, in agreement with the Minister competent for health matters shall determine, by way of an Ordinance, the scope of issues pertaining to the promotion of mental health and healthy lifestyle, with particular consideration to issues pertaining to the prevention of drug addiction, in the assumptions to the curricula and educational curricula, implemented at schools and other institutions of the educational system.
2. The Minister competent for matters of education, in agreement with the Minister competent for health matters, shall undertake actions aimed at taking into consideration the issues pertaining to the promotion of mental health and healthy lifestyle, with particular consideration to issues pertaining to the prevention of drug addiction in the curricula for professional education of teachers and persons responsible for the upbringing and education of children and teenagers at schools and other educational system institutions.

Article 9

1. The Ministers competent for matters of education, health, culture and protection of the national heritage, agriculture, internal affairs, public administration, transportation, the Minister of National Defence, the Minister of Justice and the President of the Office for Physical Culture and Tourism, each within the scope of his /her activities, are hereby obligated to develop and support the information and cultural activities, undertaken in order to inform the society on dangers of drug abuse.
2. The tasks mentioned in Item 1 can be implemented by municipalities as tasks commissioned within the scope of State Administration.

Article 10

1. The Ministers of: National Education, Health and Social Welfare, Culture and Arts, Agriculture and Food Economy, Internal Affairs and Administration, Transportation and Maritime Economy, Labour and Social Policy and the President of the Office for Physical Culture and Tourism, each within the scope of his/her activities, are obligated to conduct educational and preventive activities, comprising:
   1) promotion of a healthy lifestyle;
   2) creating units responsible for running preventive activities within environments under high risk of addiction;
   3) supporting the activities of nation-wide and local institutions, mentioned in Article 3 Item 3 and other social initiatives.
2. The tasks mentioned in Item 1 can be implemented by municipalities as tasks commission within the scope of State Administration activities.
3. The Minister competent for the matters of education, in agreement with the Minister competent for health matters shall determine, by way of an Ordinance, the precise forms of educational and preventive activities to be conducted among children and teenagers under risk of drug addiction.

Article 11

1. The Ministers competent for matters of health, education, internal affairs, public administration, transportation, labour and the Minister of Justice, as well as the Chairman of the Committee for Scientific Research, each within the scope of his/her activities, shall provide scientific research into the problems of drug addiction, including statistical and epidemiological studies.
2. Scientific and other specialist institutions conducting research within the field of drug addiction, if it is necessary for their research purposes, may posses, store and purchase narcotic drugs, psychotropic substances, their preparations and precursors belonging to the group I-R.
3. The Minister competent for matters of health in agreement with the ministers competent for internal affairs and education shall determine by way of an Ordinance rules and conditions for storage, purchase and use for the research purposes of the mentioned in Item 2 narcotic drugs, psychotropic substances, their preparations and precursors belonging to the group I-R, as well as appropriate procedures of taking possession of narcotic drugs, psychotropic substances, their preparations and precursors belonging to the group I-R, by the aforementioned institutions.

Article 12

1. The Ministers competent for matters of health, education, internal affairs, public administration, transportation, labour, the Minister of National Defence and the Minister of Justice, each within the scope of his/her activities, shall provide the necessary number of personnel prepared for the implementation of tasks mentioned in Article 1, as well as the further training and improvement of such persons.

2. Organisational units of the governmental administration and of the institutions of higher education providing training for persons mentioned in Item 1 may posses, store and purchase narcotic drugs, psychotropic substances, their preparations, and precursors belonging to the group I-R in the amount necessary for educational purposes.
3. The Minister competent for matters of health in agreement with the ministers competent for internal affairs and education shall determine by way of an Ordinance rules and conditions for storage, purchase and use for the educational purposes of the narcotic drugs, psychotropic substances, their preparations and precursors belonging to the group I-R, by the institutions mentioned in Item2.

Chapter 3
Treatment of Addicts

Article 13
Submission to treatment, rehabilitation or re-adaptation shall be voluntary, except when the regulations under this Law provide otherwise.

Article 14
1. The treatment and rehabilitation for addicts shall be provided by health service institutions or physicians running individual, specialist medical practice.
2. Rehabilitation of addicts may also be provided by entities not mentioned under Item 1, acting upon a license granted by the Voivode.

2a. In rehabilitation of addicts may participate other persons than those mentioned in Items 1 and 2, who have completed at least secondary school education and who have completed a specialist training in the area of addiction, which was conducted according to the curriculum accepted and certified by the Minister competent for health matters.

3. The licence, mentioned under Item 2:
   1) may be granted to an entity which meets the conditions ensuring the implementation of a rehabilitation programme for addicts;
   2) shall be withdrawn from entities which ceased to meet the requirements conditioning the issuance of such license.
4. Supervision over the operations of entities mentioned under Item 2 shall be performed by the Voivode.
5. The Minister competent for health matters shall determine, by way of an Ordinance, the conditions to be met by entities applying for a license for the provision of rehabilitation programmes for addicts and the supervisory proceedings, mentioned in Item 4.
6. Re-adaptation programmes for addicts can be provided by health service institutions and entities mentioned under Article 3 Item 3.
7. The benefits mentioned under Items 1 and 6 shall be provided to addicted persons free of charge by public health service units, regardless of these persons' permanent place of residence in the country.

Article 15
1. Addicted persons may be treated within the framework of the programmes based upon a substitute treatment.
2. Substitute treatment programmes can be provided exclusively by public health service institutions by virtue of a license granted by the Minister competent for health matters.
3. The license for substitute treatment programmes can be granted to public health service institutions which have at their disposal the premises and personnel necessary to ensure the implementation of an inpatient treatment programme or an outpatient treatment programme.
4. The license for running substitute treatment programmes shall be withdrawn from institutions which cease to meet the conditions for issuing such a license.
5. The Minister competent for health matters shall determine, by way of an Ordinance, the detailed procedure for substitute treatment programmes and the conditions to be met by all institutions providing substitute treatment programmes.

Article 16
The Minister of Justice, in agreement with the Minister competent for health matters shall determine, by way of an Ordinance, the detailed conditions and procedures for medical, rehabilitation and re-adaptation treatment in relation to addicted persons, confined to:

1) reformatory institutions;
2) penal institutions and temporary detention centres.

Article 17

1. Upon motion filed by a statutory representative, relatives in direct line, siblings or actual or official custodian, family court may order a drug addicted person under 18 years of age to undergo compulsive treatment and rehabilitation.
2. The duration of compulsive treatment and rehabilitation shall not be determined in advance, but shall not also exceed two years.
3. Shall a drug addicted person reach the age of 18 prior to the completion of treatment or rehabilitation, family court may extend compulsory treatment or rehabilitation for a period necessary to reach the objectives of such treatment or rehabilitation, however for a period not longer than determined in Item 2.
4. The proceedings in cases mentioned in Item 1 shall be conducted in accordance with the provisions governing the procedures in cases of juveniles.

Chapter 4
Precursors, narcotic drugs and psychotropic substances

Article 18

1. Precursors shall be divided into groups depending upon the possibilities for their use for manufacturing narcotic drugs, psychotropic substances and other precursors.
2. The breakdown of precursors into groups: I-R, IIA-R and IIB-R is defined in Appendix 1 to the Law.

Article 19

1. Narcotic drugs shall be broken down into groups in accordance with the degree of dependency risk present when such drugs are used for purposes other than medically warranted and the scope of their application for medically warranted purposes.
2. The breakdown of narcotic drugs into groups: I-N, II-N, III-N and IV-N shall be determined in Appendix 2 to the Law.

Article 20

1. Psychotropic substances shall be broken down into groups depending upon the risk of dependency in case of their use for non-medical purposes or the scope of their application for medical purposes.
2. The breakdown of psychotropic substances into groups I-P, II-P, III-P and IV-P shall be determined in Appendix Nº 3 to the Law.

Article 21

1. Narcotic drugs classified into groups I-N and II-N and psychotropic substances classified into groups II-P, III-P and IV-P can be applied exclusively for medical, industrial and scientific research purposes.
2. Psychotropic substances classified into group I-P can be applied exclusively for the purpose of conducting scientific research, and narcotic drugs classified into group IV -N can be applied exclusively for scientific research purposes and medical treatment of animals - within the scope indicated in Appendix Nº 2 to the Law.

Article 22

1. Narcotic drugs, psychotropic substances or their preparations and precursors classified into group I-R can be handled exclusively by business entities, organisational units or natural persons authorised to do so by virtue of the provisions of the Law.
2. Narcotic drugs, psychotropic substances or their preparations and precursors classified into group I-R are subject to securing by law enforcement or customs services in accordance with procedures described in the regulations on criminal proceedings.
3. The forfeiture to the benefit of the State Treasury of drugs, substances, preparations or precursors, mentioned under Item 2, shall be declared by court in penal proceedings.
4. Shall no penal proceedings be initiated, the forfeiture to benefit of State Treasury of drugs, substances, preparations or precursors, mentioned under Item 2, shall be declared by regional court on a motion by the Voivodship Pharmaceutical Inspector.

5. The Minister competent for health matters, in agreement with the Minister of Justice and the Minister competent for internal affairs, shall determine by way of an Ordinance entities competent for storage and destruction of the mentioned in Item 4 narcotic drugs, psychotropic substances, their preparations and precursors belonging to the group I-R, as well as detailed rules and conditions for their storage and destruction.

Article 23

1. Narcotic drugs or psychotropic substances may be manufactured, processed or converted, with reservation to Item 3, exclusively by business entities authorised by virtue of a license for manufacturing pharmaceuticals, issued basing upon separate regulations, upon a permission granted by the Minister competent for health matters, identifying the drugs or substances which may be subject to manufacturing, processing or conversion.
2. Precursors classified into group 1- R can be manufactured, processed or converted, with reservation to Items 3 and 13, exclusively by business entities, holding the license granted by the Minister competent for health matters.
3. Narcotic drugs classified into groups I-N, II-N and IV-N, psychotropic substances classified into groups I-P and III-P and, with reservation to Item 13, precursors classified into group I-R can be manufactured, processed or converted, for scientific research purposes, exclusively by higher education institutions, scientific and research units or other scientific institutions - within the scope of their statutory activities - upon acquisition of a license issued by the Chief Pharmaceutical Inspector, identifying the drugs or substances which may be the object of manufacturing, processing or conversion.
4. No license is required for the conversion of narcotic drugs or psychotropic substances if such conversion is performed within a pharmacy.
5. The licenses mentioned under Items 1 and 2 may be issued upon ascertaining by the Voivodship Pharmaceutical Inspector that business entities applying for such licenses meet the manufacturing and trading conditions prohibiting the use of narcotic drugs, psychotropic substances and precursors covered by such license by unauthorised persons or for purposes other than identified in the license granted.
6. Narcotic drugs classified into group II-N, psychotropic substance classified into group IIP, III-P and IV-P or, with reservation to Item 13, precursors classified into group I-R may be used for industrial purposes exclusively by business entities or other organisational unit upon acquisition of a license issued by the Voivodship Pharmaceutical Inspector, determining the drugs or substances being the subject of such license.
7. The provisions of Item 6 are not applicable to business entities granted license by virtue of Item 1.
8. Narcotic drugs classified into group IV–N or psychotropic substances classified into group I-P can be applied, for scientific research purposes, exclusively by higher education institutions, scientific research units or other scientific institutions - within the framework of their statutory activities - upon the acquisition of a licence granted by the Chief Pharmaceutical Inspector, determining the drugs or substances being the subject of such license, determining the drugs or substances being the subject of such license.
9. The licenses mentioned under I terns 1-3, 6 and 8 may identify the permissible quantity and objective of manufacturing, processing, conversion and application of each narcotic drug, psychotropic substance or precursor and the validity period of the license.
10. The licenses mentioned under Items 1-3, 6 and 8 may be withdrawn in case of non-compliance with the provisions of the Law and non-fulfilment of conditions specified in the license.
11. Narcotic drugs classified into groups I-N and II-N, psychotropic substances classified into group II-P and precursors classified into group I-R, with reservation to Item 12, can be applied, for scientific research purposes, exclusively by higher education institutions, scientific research units or other scientific institutions - within the scope of their statutory activities - after notifying the Voivodship Pharmaceutical Inspector of such fact.
12. No notification is required in case of application, for scientific research purposes, of psychotropic substances classified into groups III-P and IV-P or precursors classified into group I-R, identified in the specification, mentioned in Item 13, by higher education institutions, scientific research units or other scientific institutions - within the framework of their statutory activities.
13. The Minister competent for health matters may adopt, by way of an Ordinance, a list of precursors classified into group I-R, the manufacturing, processing, conversion or application of which do not require the license, but a notification of the Voivodship Pharmaceutical Inspector.
14. The Minister competent for health matters shall determine, by way of an Ordinance:

1) the detailed conditions and procedures for granting and withdrawing the licenses, mentioned under Items 1-3, 6 and 8, as well as the duties of entities holding such licenses, particularly in the scope of storage of substances covered by license and keeping the documentation concerning the possession and handling of such substances;
2) the detailed conditions for notifying of the activities, mentioned in Items 11 and 13, and the duties of entities obligated to notify of such activities.

Article 24

1. The harvests of poppy milk and opium, as well as cannabis herb and resin shall be permitted exclusively for scientific research purposes, upon acquisition of a license from the Minister of Health and Social Welfare.
2. The Minister competent for health matters shall determine, by way of an Ordinance, the conditions and procedures for granting and withdrawing the licenses, mentioned under Item 1.
3. The manufacture of extracts from poppy straw may be conducted exclusively within pharmaceutical industry plants, holding a license for manufacturing narcotic drugs, acquired in compliance with Article 23 Item 1 and within higher education institutions, scientific research units and the Main Centre for Research of Crop Species - within the framework of their statutory activities.

Article 25

1. The imports from abroad or exports abroad of narcotic drugs or psychotropic substances may be performed exclusively by business entities, mentioned under Article 23 Item 1 or Article 27 Item 1 or in their name.
2. The imports from abroad of narcotic drugs or psychotropic substances and precursors classified into group I-R may take place upon the acquisition, for each shipment brought into the country, of an exports permit, issued by the Minister competent for health matters, and the exports permit, issued by relevant authorities of the exporting country.
3. The exports abroad of narcotic drugs or psychotropic substances and precursors classified into group I-R, may take place upon the acquisition, for each shipment exported from the country, of an exports permit, issued by the Minister competent for health matters, and the imports permit, issued by relevant authorities of importing country.
4. The Minister competent for health matters shall determine, by way of an Ordinance, the detailed conditions and procedures for issuing the permits and documents mentioned under Items 2, 3 and 9 the standard forms of such permits and documents, the duties of entities holding such permits and documents concerning the storage of substances covered by such permits, the issuance of such substances to authorised units and keeping the documentation concerning the handling and trading in such substances.
5. The imports from abroad or exports abroad of poppy straw can be performed exclusively by business entities mentioned under Article 23 item 1 or Article 27 Item 1 or in their name, upon acquisition of permits envisaged in Items 2 and 3.
6. The transit of narcotic drugs classified into groups I-N, II-N and IV-N and of psychotropic substances classified into groups I-P and II-P shall be permitted by virtue of an exports permit, issued by the relevant authorities of exporting country, or an imports permit, issued by relevant authorities of importing countries.
7. The provisions under Items 1-3 shall apply accordingly to the imports from abroad of psychotropic substances or precursors to the customs depot or their exports abroad from the customs depot. The imports from abroad of narcotic drugs to customs depots is prohibited.
8. The imports from abroad or transit of narcotic substances, psychotropic substances or precursors classified into group I-R through duty-free zones is prohibited.
9. The importation from abroad or exportation abroad of the narcotic drugs, psychotropic substances and precursors belonging to the group I-R, for the purpose of own treatment, may take place only on the basis of the relevant documents.

Article 26

1. The Minister competent for health matters may set, by way of an Ordinance, a specification of narcotic drugs classified into groups II-N and III-N, psychotropic substances classified into groups III-P and IV-P and some of their preparations, the imports of which from abroad, exports of which abroad or transit may be performed without meeting the conditions, mentioned under Article 25 Items 1-3 and 5. This provision shall apply accordingly to poppy straw.

2. The Minister competent for health matters, in agreement with the Minister competent for economy may set, by way of an Ordinance, a specification of precursors classified into group I-R, the imports of which from abroad, exports abroad or transit may be performed without meeting the individual conditions, mentioned under Article 25 Items 2 and 3.

Article27

1. Trading in narcotic drugs or psychotropic substances may be conducted exclusively by business entities holding licenses for running pharmaceutical wholesaling enterprises, issued by virtue of separate regulations, upon acquisition of a permit from the Chief Pharmaceutical Inspector.
2. Wholesale trading in precursors classified into group I-R may be performed, with reservation to Item 3, by business entities holding a license for running a pharmaceutical wholesaling enterprise, issued by virtue of separate regulations, upon acquisition of a permit from the Chief Pharmaceutical Inspector.
3. Wholesale trading in precursors classified into group I-R, mentioned in Article 23 Item 13, may be performed by other business entities in accordance with procedure determined by provisions under this Article.
4. The permits mentioned in Items 1 and 2 may be issued after the Voivodship Pharmaceutical Inspector demonstrates that the business entity applying for the permit meets the trading conditions prohibiting the use of such narcotic drugs, psychotropic substances or precursors covered by this permit by unauthorised persons or for purposes other than specified in the permit issued.
5. The permits, mentioned under Items 1 and 2, may be withdrawn in case of non-fulfillment of the provisions of the Law or non-compliance with the conditions, specified in the permit.
6 The Minister competent for health matters shall determine, by way of an Ordinance:
   1) the detailed conditions and procedures for issuing and withdrawing the permits, mentioned under Items 1 and 2, as well as the duties of entities holding such permits, particularly in the scope of storage of substances covered by the permit, the issuance of such substances to authorised units and keeping the documentation on handling of and trading in such substances;
   2) the detailed conditions concerning the notification of activities, mentioned in Item 3, and duties of business entities, obligated to notify of such activities.

Article 28

1. The retail trading in narcotic drugs and psychotropic substances shall be performed by pharmacies.
2. Preparations containing narcotic drugs or psychotropic substances shall be issued by pharmacies, with reservation to Item 3, exclusively by virtue of specially marked prescriptions or orders.
3. Preparations containing narcotic drugs classified into group II-N and psychotropic substances classified into groups III-P and IV-P may be issued from pharmacies basing upon prescriptions other than identified in Item 2, and preparations containing narcotic drugs classified into group III-N can be issued by pharmacies without prescription.
4. The Minister competent for health matters shall determine, by way of an Ordinance:
   1) the detailed conditions for storage by pharmacies of narcotic drugs, psychotropic substances and preparations containing such drugs or substances and the procedures for keeping the documentation of handling and trading in such substances and drugs;
   2) the preparations, mentioned under Item 3;
   3) the detailed conditions for issuing prescriptions and orders for preparations containing narcotic drugs or psychotropic substances and the despatch of such preparations by pharmacies.

Article 29

1. Preparations containing narcotic drugs, classified into groups I-N, II-N and III-N or psychotropic substances classified into groups II-P, III-P and IV-P, which have been admitted into trading as pharmaceuticals by virtue of regulations, mentioned under Article 2 Section 2, may be handled, for medical purposes, by health service units which do not have in-house pharmacies, medical service units for animals and physicians, dentists or veterinary doctors, running individual medical practice, as well as other entities.
2. The Minister competent for health matters shall determine, by way of an Ordinance, the types of preparations and their quantities, which may be possessed by entities mentioned in Item 1, and other entities, and in particular the supply and storage conditions of such preparations and the documentation concerning the possession of and trading in such preparations.

Article 30

1. The business entities or other organisational units which acquired the permits mentioned in Article 23 Item 1, Article 25 Item 2, 3 and 5 or Article 27 Item 1, are obligated to file reports from activities specified in the permits.
2. The Minister competent for health matters shall determine, by way of an Ordinance, the detailed conditions and procedures for filing the reports, mentioned in Item 1, including the deadlines for filing them and the necessary data they shall contain.

Article 31

1. The supervision over the production, processing, conversion, storage and trading in narcotic drugs and psychotropic substances and precursors classified into group I-R, with reservation to Item 2, shall be provided by the Voivodship Pharmaceutical Inspector - upon principles and in accordance with procedures determined in the regulations on pharmaceutical substances, medical materials, pharmacies, wholesaling enterprises and pharmaceutical supervision.
2. The supervision over precursors classified into groups IIA-R and IIB-R and precursors identified in the specification set by virtue of Article 23 Item 13 shall be performed by the National Voivodship Sanitary Inspector - upon principles and in accordance with procedures determined in the regulations on the State Sanitary Inspection and poisonous substances.
3. The Minister of National Defence and the Minister competent for internal affairs shall perform supervision over the conversion, storage, trading in and inventories of narcotic drugs and psychotropic substances in their subordinate organisational units - basing upon principles and in accordance with procedures determined in regulations referred to in Item 1 and 2.

Chapter 5
Cultivation of Poppy and Cannabis

Article 32

1. Cultivation of poppy, with the exception of low-morphine poppy, may be conducted exclusively for the needs of pharmaceutical industry or seed production.
2. Cultivation of low-morphine poppy can be conducted exclusively for the purposes of food industry and seed production.
3. Cultivation of hemp may be conducted exclusively for the purposes of textile industry, cellulose and paper industry and seed production.
4. Cultivation of hemp species other than specified in Item 3 is prohibited.

Article 33

1. Poppy and hemp plantations may be grown on a pre-determined area, within specified regions, by way of contracting or by virtue of permits.
2. The Minister of Agriculture and Food Economy, in agreement with the Minister competent for health matters shall determine, by way of an Ordinance, the total area allocated annually to poppy or hemp plantations and the regionalisation of such plantations, with a breakdown into individual voivodships.
3. The Voivode shall determine, by way of an Ordinance, the area of poppy or hemp plantations in individual municipalities, within the framework of area determined for the entire voivodship by the Minister of Agriculture and Food Economy.
4. The contracts for poppy or hemp crops may be entered by business entities, holding a license issue by a voivode relevant to the location of the plantation.
5. The licence mentioned in Item 4, shall determine the scope and objective of the contract. The permit may be withdrawn in case of violation of conditions determined thereby.

Article 34

1. Poppy or hemp plantations may be cultivated, with reservation to Article 33 Item 1, by virtue of:
   1) permit from the village head or town mayor (city president), relevant to the location of the plantation; and
   2) the contract, concluded between the plantation owner and the business entity contracting the crop by virtue of a permit, issued by voivode relevant to the location of the plantation.
2. The permit shall identify the variety of poppy or hemp, the plantation area and the permit validity deadline.

3. Shall the applicant fail to guarantee the sufficient protection of hemp or poppy crops from utilization for purposes other than specified in the Law, the relevant authority will refuse to grant the permit.
4. The permit may be withdrawn in case of violation of conditions contained therein. 5. Municipalities shall keep a record of all permits for poppy or hemp plantations issued.

Article 35

1. The seed pod (poppy head) with seeds, collected from a poppy plantation cultivated for the needs of pharmaceutical industry, together with adjoining stem 7 centimetres long, shall be delivered in entirety to the business entity contracting the poppy crop, under conditions determined in the contract. Poppy straw remaining after the separation of the seed pods (poppy heads) and adjoining stems 7 centimetres long shall be destroyed by the plantation manager in a manner determined in the contract.
2. Poppy straw from low-morphine poppy plantations shall be destroyed by the plantation manager at its costs, in a manner determined in the contract.
3. The parts of poppy plants remaining after the harvest in the field shall be destroyed at the plantation site in result of a relevant agro-technical operation, under conditions determined in the contract.

Article 36

The provisions of Article 32-35, with the exception of regulations concerning the duty to destroy poppy straw and post-harvest remains of poppy plants, shall not apply to poppy or hemp plantations cultivated by higher education institutions, scientific research units or other scientific institutions and the Main Centre for Crop Research - providing such plantations are cultivated within the framework of statutory activities, or by business entities responsible for cultivating crops or applying hemp for insulation purposes.

Article 37

1. Supervision over poppy or hemp plantations shall be provided by the authorities of a municipality relevant to the location of the plantation.
2. Within the framework of supervision, the persons authorised by organs mentioned in Item 1, are authorised to:
   1) access the grounds of poppy or hemp plantations, including the access to such grounds from other real estate;
   2) control the documents permitting the poppy or hemp plantation;
   3) demand clarifications and statements from persons running the poppy or hemp plantations.
3. Persons authorised to perform the activities specified under Item 2 have the obligation to produce the authorisation of the supervisory organ.
4. Shall the poppy or hemp plantations be found to be cultivated in contradiction to conditions determined under Article 34, the village head or town mayor (city president) shall issue the order to destroy such plantations by ploughing or harrowing the soil, at the expense of the person running the plantation; such decisions shall be executed immediately.

Article 38

The tasks mentioned in Article 34 and 37, shall be executed by the municipalities as tasks commissioning within the scope of State administration.

Article 39

The Council of Ministers may expand, by way of an Ordinance, the regulations concerning poppy or hemp plantations to other plants containing narcotic or psychotropic substances.

Chapter 6
Penal Provisions

Article 40

1. Whoever contrary to the provisions of this Law manufactures, processes or converts narcotic drugs or psychotropic substances or processes poppy milk or poppy straw, shall be subject to the penalty of deprivation of liberty for up to 3 years.

2. If the act mentioned in Item 1 involves a considerable quantity of narcotic drugs, psychotropic substances, poppy milk or poppy straw or if such offence has been perpetrated with the objective of obtaining material or personal benefit, the perpetrator shall be subject to the penalty of deprivation of liberty for not less than 3 years.

Article 41

1. Whoever manufactures, possesses, sells or buys the appliances, if the circumstances indicate that such appliances serve the purpose of or are destined for illicit production, processing or conversion of narcotic drugs or psychotropic substances, shall be subject to the penalty of deprivation of liberty for up to 2 years, limitation of liberty or a fine.
2. Subject to the same penalty shall be, whoever:
   1) modifies utensils or tools for illicit production, processing or conversion of narcotic drugs or psychotropic substances, even if such utensils or tools have been manufactured for other purposes; or
   2) conspires with another person to perpetrate the offence defined in Article 40 Item 2.

Article 42

1. Whoever contrary of the provisions of this Law imports from abroad, exports abroad or transports in transit narcotic drugs, psychotropic substances, poppy milk or poppy straw, shall be subject to the penalty of deprivation of liberty for up to 5 years and a fine.
2. In a case of lesser gravity, the perpetrator shall be subject to the penalty of deprivation of liberty for up to one year, limitation of liberty or a fine.
3. If the act mentioned in Item 1 involves a considerable quantity of narcotic substances, psychotropic substances, poppy milk or poppy straw, or if such offence has been perpetrated with the objective of obtaining material or personal benefit, the perpetrator shall be subject to the penalty of deprivation of liberty for not less than 3 years and a fine.

Article 43

1. Whoever contrary to the provisions of this Law introduces narcotic drugs, psychotropic substances, poppy milk or poppy straw into trading or whoever participates in such trading, shall be subject to the penalty of deprivation of liberty for a term from 6 months to 8 years and a fine.
2. In a case of lesser gravity the perpetrator shall be subject to the penalty of deprivation of liberty for up to 1 year, limitation of liberty, or a fine.
3. If the act mentioned in Item 1 involves a considerable quantity of narcotic drugs, psychotropic substances, poppy milk or poppy straw, the perpetrator shall be subject to the penalty of deprivation of liberty for a term from one year to 10 years and a fine.

Article 44

1. Whoever makes preparations for the offences defined in Article 42 Item 1 or Article 43 Item 1, shall be subject to the penalty of deprivation of liberty for up to 2 years, limitation of liberty or fine
2. Whoever makes preparations for the offences defined in Article 42 Item 3 or Article 43 Item 3, shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 45

1. Whoever contrary to the provisions of this Law supplies other person with narcotic drugs or psychotropic substances, facilitates or makes possible their use, or incites other person to use such drugs or substances, shall be subject to the penalty of deprivation of liberty for up to 3 years.
2. If the perpetrator of the act, mentioned in Item 1, supplies narcotic drugs or psychotropic substances to a minor or incites a minor to use such drug or substance or supplies such drugs or substances in considerable quantities, shall be subject to the penalty of deprivation of liberty for up to 5 years.

Article 46

1. Whoever with the objective of obtaining material or personal benefit supplies other person with narcotic drugs or psychotropic substances, facilitates the use or incites the use of such drug or substance, shall be subject to the penalty of deprivation of liberty for from one year to 10 years.

2. If the perpetrator of the act, mentioned in Item 1, supplies narcotic drug or psychotropic substance to a minor, facilitates the use of such drug or substance by a minor, or induces a minor to use such drug or substance, shall be subject to the penalty of deprivation of liberty for not less than 3 years.
3. In a case of lesser gravity, the perpetrator shall be subject to the penalty of deprivation of liberty for up to 2 years, limitation of liberty or a fine.

Article 46a

1. Whoever being an owner, a manager acting in owner's name or a manager of a restaurant, entertainment facility or similar facility providing services, has reliable information about offences defined in Articles 43, 45 or 46 being committed within the aforementioned establishment and does not inform about this competent investigating agencies, shall be subject to the penalty of a fine, limitation of liberty or deprivation of liberty for up to 2 years.
2. Shall not be subject to punishment, whoever abstains from informing on account of fear of penal liability threatening himself or his next of kin.

Article 47

Whoever contrary to the provisions of this Law, with the objective of illicit production of a narcotic drug or a psychotropic substance produces, processes, imports from abroad, exports abroad, transports in transit, purchases, possesses or stores precursors, shall be subject to the penalty of deprivation of liberty for up to 2 years, limitation of liberty or a fine.

Article 48

1. Whoever contrary to the provisions of this Law possesses narcotic drugs or psychotropic substances, shall be subject to the penalty of deprivation of liberty for up to 3 years.
2. In a case of lesser gravity, the perpetrator shall be subject to the penalty of deprivation of liberty for up to one year, limitation of liberty or a fine.
3. If the act mentioned in Item 1, involves a considerable quantity of narcotic drugs or psychotropic substances, the perpetrator shall be subject to the penalty of deprivation of liberty for up to 5 years and a fine.
4. (deleted).

Article 49

1. Whoever contrary to the provisions of this Law cultivates poppy, with the exception of low-morphine content poppy, or cannabis plants, with the exception of hemp, shall be subject to the penalty of deprivation of liberty for up to 2 years, limitation of liberty or a fine.
2. Subject to the same penalty is whoever contrary to the provisions of this Law harvests poppy milk, opium, poppy straw, cannabis herb or resin.

Article 50

Whoever takes away narcotic drugs, psychotropic substances, poppy milk or poppy straw with the purpose of appropriating them, shall be held responsible for the criminal offence irrespective of the value of what was taken away.

Article 51

Whoever contrary to the provisions of this Law cultivates low-morphine content poppy or hemp, shall be subject to a fine.

Article 52

Whoever contrary to the provisions of this Law manufactures, processes, converts, uses, imports from abroad, exports abroad, transports in transit, purchases, possesses or stores precursors, shall be subject to a fine.

Article 53

Whoever contrary to the regulations issued by virtue of Article 23 or 27 fails to fulfil the duty to keep records concerning the manufacture, processing and conversion of narcotic drugs, psychotropic substances or precursors, as well as concerning the trading in such products, or in any other way violates the provisions regulating the principles governing the use of narcotic drugs, psychotropic substances or precursors and trading in such products, shall be subject to a fine.

Article 54

1. The cases concerning acts defined in Article 51-53 shall be adjudged in accordance with the provisions governing proceedings in cases of transgressions.
2. In case of imposing punishment for a transgression defined in Article 51 or 52, the forfeiture of the object of transgression, and likewise of the objects deriving directly or indirectly from transgression, even when they did not constitute the property of the perpetrator, shall be declared. The court, while declaring the forfeiture, may order destruction of the aforementioned objects. Their destruction shall be recorded in the written form.

Article 55

1. In case of conviction for offences defined in Articles 40-47, 49 and 50, the sentence shall declare forfeiture of the object of an offence and of the objects and tools, which were designed for committing such offence, even when they did not constitute the property of the perpetrator.
2. In case of conviction for the offence defined in Article 48 and in case of discontinuance or conditional discontinuance of the proceedings, the sentence shall declare forfeiture of narcotic drugs or psychotropic substances, even when they did not constitute the property of the perpetrator. The court, while declaring the forfeiture, may order destruction of the aforementioned objects. Their destruction shall be recorded in the written form.
3. In case of conviction for the offence defined in Article 40-49, the sentence may declare, for the purposes of the prevention and counteraction of drug addiction, vindictive damages to the amount of 50,000.00 PLN.
4. The provisions under Item 3 shall not be applicable to the perpetrators of offences defined in Article 48 Item 1 or 2, if these persons are addicted.

Article 56

1. If a drug addicted person is convicted for an offence related to the use of narcotic drugs or psychotropic substances and sentenced to the penalty of deprivation of liberty with conditional suspension of its execution the court may oblige such sentenced person to undergo treatment, rehabilitation or re-adaptation in a relevant health service institution or an institution ran by entities mentioned in Article 3 Item 3, and shall place him under the supervision of a designated person, institution or association.
2. The court may order the execution of the penalty of the deprivation of liberty upon the motion of the person, institution or association supervising the defendant, mentioned in Item 1, as well as upon the motion filed by the institution providing medical treatment, rehabilitation or re-adaptation, if the sentenced person fails during the test period to comply with the obligation to undergo treatment or violates flagrantly the rules of the treatment establishment.
3. If a drug addicted person convicted under the terms set forth in Item 1, is sentenced to the deprivation of liberty without conditional suspension of its execution the court may order that such sentenced person be placed in an appropriate treatment establishment prior to serving the sentence.
4. The duration of stay in a treatment establishment shall not be determined in advance, but it shall not exceed 2 years; the decision to release such person from the treatment establishment shall be taken by the court on the basis of the results of treatment or rehabilitation. If the sentenced person refuses to undergo treatment or rehabilitation or violates flagrantly the rules of the treatment establishment, the release may take place also upon request of the institution providing the treatment.
5. Upon the completion of the treatment or rehabilitation, the court determines, whether the penalty of the deprivation of liberty shall be executed.
6. The Minister competent for health matters, in agreement with the Minister of Justice shall determine, by way of an Ordinance, the detailed conditions and procedures concerning the treatment, rehabilitation and re-adaptation of drug addicted persons, mentioned in Item1-3.

Article 57

1. If a drug addicted person, charged with an offence subject to the penalty of the deprivation of liberty for a term not exceeding 5 years, submits oneself to a treatment in a relevant health service institution, the procurator may suspend the proceedings until the completion of the treatment.
2. Upon reinstating proceedings, the procurator shall, taking into account the results of treatment, order the proceedings to be continued, or apply to the court with the motion for the conditional discontinuation of proceedings.

3. The suspect may file an appeal against the procurator's decision to continue the proceedings.
4. In case indicated in Item 2, conditional discontinuation may be applied in relation to the offences subject to the penalty of the deprivation of liberty not exceeding 5 years.

Article 58
The provisions of Article 102 of the Criminal Code shall not apply in matters regulated by provisions under this Chapter.

Chapter 7
Changes in Binding Regulations, Transitional and Final Provisions

Article 59
In the Law of 6 February, 1997 on General Health Insurance (Dz.U. Nº 28, Item 153) in Article 165, Item 1 Section 7 is given the following wording:
"7) Article 14 Item 7 of the Law of 24 April 1997 on Counteracting Drug Addiction (Dz.U. Nº 75, Item 468)".

Article 60
The licenses issued by the Minister of Health and Social Welfare by virtue of hitherto binding regulations on counteracting drug addiction shall remain in force after the enactment of this Law.

Article 61
Until the executive ordinances envisaged in this Law are issued, but for a period not longer than one year from the date of its enactment, the hitherto binding executive ordinances shall remain in force, providing they do not contradict this Law.

Article 62
The Law of 31 January 1985 on the Prevention of Drug Addiction (Dz.U. Nº 4, Item 15 and Nº 15, Item 66, z 1987 r. Nº 33, Item 180, z 1989 r. Nº 35, Item 192, z 1990 r. Nº 34, Item 198 and Nº 89, Item 517 and z 1991 r. Nº 105, Item 452) is hereby declared null and void.

Article 63
This Law shall enter into force 3 months after the date of announcement, with the exception of provisions of Chapter 5 which shall come into force 14 days after the date of announcement.