Commencement: 1 December 1939

CHAPTER 12

DANGEROUS DRUGS

JR 12 of 1939
JR 7 of 1952
JR 3 of 1959
JR 34 of 1975
Act 33 of 1984
Act 29 of 1989
Instrument of Variation pub. Gaz. 25 of 2005

ARRANGEMENT OF SECTIONS

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SCHEDULE – Import certificate

DANGEROUS DRUGS

To regulate the importation, sale, supply and possession of certain dangerous drugs in Vanuatu.

1. Interpretation

In this Act unless the context otherwise requires –

"Cannabis" (except in the expression "Cannabis resin") means any plant of the genus Cannabis or any part of any such plant (by whatever name designated) or the seeds of such plant except that it does not include Cannabis resin or any of the following products after separation from the rest of the plant, namely –

(a) mature stalk of any such plant;

(b) fibre produced from mature stalk of any such plant;

"Cannabis resin" means the separated resin, whether crude or purified, obtained from any plant of the genus Cannabis.

"coca leaves" means the leaves of the Erythroxylon Coca Lamarck and the Erythroxylon novogranatenaca (Morris) Hieronymus and their varieties belonging to the family of Erythroxylaceae and the leaves of other species of this genus from which cocaine can be extracted either directly or by chemical transformation;

"medicinal opium" means raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form and whether it is or is not mixed with neutral materials;

"prepared opium" means opium prepared for smoking and includes dross and any other residues remaining after opium has been smoked;

"raw opium" means the spontaneously coagulated juice obtained from the capsules of the *Papaver somniferum L.*, which has only been submitted to the necessary manipulations for packing and transport, whatever its content of morphine.

2. Prohibited substances and materials

The importation, sale, supply or possession in Vanuatu of the following substances and materials except as provided in section 3 is prohibited –

(1) Abrus precatorius (Jequirity) seed or root for therapeutic use
(2) Acetorphine
(3) Acetyl-alpha-methylfentanyl
(4) Acetyldihydrocodeine except when included in the Sale of Medicines Act
(5) Acetyldihydrocodeinone
(6) Acetylmethadol
(7) Acetylmorphines
(8) Acorus Calamus (calamus) for human therapeutic use
(9) Alfentanil
(10) Alkoxyamphetamines
(11) Alkoxyphenylethylamines
(12) Alkylthioamphetamines
(13) Allobarbital
(14) Allylisopropylacetylurea for therapeutic use
(15) Allylprodine
(16) Alphacetylmethadol .

(17) Alphameprodine
(18) Alphamethadol
(19) Alphamethylfentanyl
(20) Alphamethylthiofentanyl
(21) Alphaprodine
(22) Alprazolam
(23) Amidone
(24) 2-amino-1-(2,5-dimethoxy-4-methyl) phenylpropane (STP or DOM)
(25) 5-(2-aminopropyl)indan & substituted 5-(2-aminopropyl)indans except when included in the Sale of Medicines Act.
(26) Aminophenazone (amidopyrine) except when included in the Sale of Medicines Act
(27) Aminorex
(28) Amobarbital
(29) Amphetamine
(30) Amygdalin for therapeutic use
(31) Anchusa officinalis for therapeutic use
(32) Anileridine.
(33) Aristolochia spp. For therapeutic use
(34) Aristolochic acid(s) for human therapeutic use
(35) Asaram spp. containing aristolochic acid(s) for human therapeutic use
(36) Azadirachta indica (neem) including its extracts and derivatives, in preparations for human internal use except 'debitterised neem seed oil'.
(37) Barbital
(38) Benzfetamine
(39) Benzethidine
(40) Benzylmorphine
(41) Betacetylmethadol
(42) Betahydroxy-3-methylfentanyl
(43) Betahydroxyfentanyl
(44) Betameprodine
(45) Betamethadol
(46) Betaprodine
(47) Bezitramide
(48) Bithional for human therapeutic use
(49) Borago officinalis (Borage) for therapeutic use except the fixed oil derived from the seeds of Borago officinalis
(50) Bragantia spp. Containing aristolochic acid(s) for human therapeutic use
(51) Bromazepam
(52) 4-bromo-2,5-dimethoxyphenethylamine (BDMPEA)
(53) Brotizolam
(54) Buclosamide for therapeutic use
(55) Bufotenine
(56) Buniodyl sodium for therapeutic use
(57) Buprenorphine
(58) Butalbital
(59) Butobarbitone
(60) Butorphanol
(61) Cacalia spp. for therapeutic useCamazepam
(62) Cannabis
(63) Cannabis resin and preparations of which the resin forms the base.
(64) Carfentanyl
(65) Cathine
(66) Cathinone (including khat)
(67) Chlordiazepoxide
(68) Chlorphentermine
(69) Cinchophen and its derivatives for therapeutic use

(70) Clioquinol and other halogenated derivatives of 8-hydroxyquinolone for human internal use
(71) Clobazam
(72) Clonitazene
(73) Clorazepate
(74) Clotiazepam
(75) Cloxazolam
(76) Coal tar for cosmetic use other than in therapeutic goods
(77) Coca leaf
(78) Cocaine
(79) Codeine except when included in the Sale of Medicines Act
(80) Codeine-n-oxide
(81) Codoxime
(82) Concentrate of poppy straw
(83) Conium maculatum (coniine) for therapeutic use
(84) Cotarnine for therapeutic use
(85) Crotalaria spp. for therapeutic use
(86) Croton tiglium for therapeutic use
(87) 4-cyano-2-dimethylamino-4,4-diphenylbutane
(88) Cyclobarbital
(89) Cynoglossum spp for therapeutic use
(90) Delorazepam
(91) Desomorphine
(92) Dexamphetamine
(93) Dextromoramide
(94) Dextropropoxyphene except when included in the Sale of Medicines Act
(95) Diacetylmorphine (diamorphine or heroin)
(96) Diampromide
(97) Dicophane (DDT) for therapeutic use
(98) Diethylphthalate in sunscreens or personal insect repellents for human use except in preparations containing 0.5% or less of diethylphthalate.
(99) Diethylthiambutene
(100) Diethyltryptamine (DET)
(101) Difenoxin
(102) Dihydrocodeine except when included in the Sale of Medicines Act
(103) Dihydrocodeinone (dicodide)
(104) Dihydromorphine
(105) Dihydromorphinone (dilaudide)
(106) Dihydrooxycodeinone (eucodal)
(107) Di-iodohydroxyquinolone (iodoquinol) for human internal use
(108) Dimenoxadol
(109) Dimepheptanol
(110) 2,5-dimethoxyamphetamine (DMA)
(111) 2,5-dimethoxy-4-bromoamphetamine (DOB)
(112) 2,5-dimethoxy-4-ethyl-a-amphetamine (DOET)
(113) 3-[2-dimethylaminoethyl]-4-hydroxyindole (Psilocine or Psilotsin)
(114) 3-(1,2-dimethyheptyl)-1-hydroxy-7, 8, 9,10-tetrahydro-6,6,9-trimethyl -6H-dibenzo(b,d)pyran (DMHP)
(115) Dimethylphthalate in sunscreens or personal insect repellents for human use except in preparations containing 0.5% or less of dimethylphthalate
(116) Dimethylthiambutene
(117) N,N-Dimethyltryptamine (DMT)
(118) Dioxaphetyl Butyrate
(119) Diphenoxylate except when included in the Sale of Medicines Act
(120) Dipipanone
(121) Dronabinol

(122) Drotebanol
(123) Dulcin for therapeutic use
(124) Ecgonine
(125) Ephedrine except when included in the Sale of Medicines Act
(126) Estazolam
(127) Ethchlorvynol
(128) Ethinamate
(129) Ethylloflazepate
(130) Ethylamphetamine
(131) Ethylhexanediol for human use
(132) Ethylmethylthiambutene
(133) Ethylmorphine (dionine) except when included in the Sale of Medicines Act
(134) Eticyclidine (PCE)
(135) Etilamfetamine
(136) Etonitazene
(137) Etorphine
(138) Etoxeridine
(139) Etryptamine
(140) Eupatorium cannabinum (Hemp Agrimony) for therapeutic use
(141) Farfugium japonicum for therapeutic use
(142) Fencamfamin
(143) Fenetylline
(144) Fenproporex
(145) Fentanyl
(146) Fludiazepam
(147) Flunitrazepam
(148) Flurazepam
(149) Furethidine
(150) Gamma – hydroxybutyrate (GHB)
(151) Gluthethimide
(152) Halazepam
(153) Haloxazolam
(154) Harmala alkaloids except in herbs, or preparations, for therapeutic use:
    (i) containing 0.1 per cent or less harmala alkaloids; or
    (ii) in divided preparations containing 2mg or less of harmala alkaloids per recommended daily dose.
(155) 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d) pyran (Parahexyl)
(156) Heliotropium spp. for therapeutic use
(157) Hydrocodone
(158) Hydromorphinol
(159) Hydromorphone
(160) 4-hydroxybutanoic acid & its salts
(161) Hydroxypethidine
(162) Isoamidone
(163) Isomethadone
(164) Juniperus sabine (savin(e)) for therapeutic use
(165) Ketazolam
(166) Ketobemidone
(167) Lefetamine
(168) Levamphetamine
(169) Levomethamphetamine
(170) Levomethorphan
(171) Levomoramide
(172) Levophenacylmorphan
(173) Levorphanol.

(174) Ligularia dentate for therapeutic use
(175) Loprazolam
(176) Lormetazepam
(177) Lysergic acid
(178) Lysergide
(179) Mazindol
(180) Mecloqualone
(181) Medazepam
(182) Mefenerox
(183) Meprobamate
(184) Mesocarb
(185) Metazocine
(186) Methadol
(187) Methadone
(188) Methadyl acetate
(189) Methamphetamine
(190) Methamphetamine racemate
(191) Methaqualone
(192) Methcathinone
(193) 4-methoxy-a-methylphenylethylamine (PMA)
(194) 5-methoxy-3,4-methylenedioxyamphetamine (MMDA)
(195) Methyl(2S,4aR,6aR,7R,9S,10aS,10bR)-9-acetoxy-6a,10b-dimethyl-4,10-dioxo-dodecahydro-2-(3-furyl)-2*H*- naphtha (2,1-c)pyran-7-carboxylate (salvorin A)
(196) 4-methylaminorex
(197) 3,4-methylenedioxyamphetamine (MDA)
(198) Methyldesorphine
(199) Methyldihydromorphine
(200) Methyldihydromorphione (commonly known as Metopon),
(201) 3,4-methylenedioxy-N,a-dimethylphenylethylamine (MDMA)
(202) 3-methylfentanyl
(203) Methylmorphine
(204) 2-methyl-3-morpholino-1,1-diphenylpropane carboxylic acid (moramide intermediate)
(205) Methylphenidate
(206) Methylphenobarbital
(207) 1-methyl-4-phenyl-4-piperidinol propionate (MPPP)
(208) 4-methlythioamphetamine (4-MTA)
(209) 3-methylthiofentanyl
(210) Methyprylon
(211) Mitagynine
(212) Morpheridine
(213) Morphine
(214) Morphine methobromide
(215) Morphine-N-oxide
(216) Morphine-N-oxide
(217) Muscimol
(218) Myrophine
(219) N-[alpha-methyl-3,4-(methylenedioxy)phenethyl]hydroxylamine (N-hydroxy MDA)
(220) Nabilone
(221) N-ethyl-methylenedioxyamphetamine (otherwise known as N-ethyl MDA)
(222) Nicocodine except when included in the Sale of Medicines Act
(223) Nicodicodine except when included in the Sale of Medicines Act
(224) Nicomorphine
(225) Nimetazepam
(226) N-methyl-1- (3,4-methylenedioxyphenyl)-2-butamine (MBDB)
(227) Noracymethadol
(228) Norcodeine except when included in the Sale of Medicines Act

(229) Nordazepam
(230) Norlevorphanol
(231) Normethadone
(232) Normorphine
(233) Norpipanone
(234) Opium and opium poppy seeds and straw
(235) Oxazolam
(236) Oxycodone
(237) Oxymorphone
(238) Oxyphenisatin for therapeutic use
(239) Para-fluorofentanyl
(240) Pemoline
(241) Pentazocine
(242) Pentobarbitone
(243) Petasites spp. for therapeutic use
(244) Pethidine
(245) Pethidine intermediate A (otherwise known as 4-cyano-1-methy l-4-phenylpiperidine)
(246) Pethidine intermediate B (otherwise known as 4-phenylpiperidine-4-carboxylic acid ethyl ester)
(247) Pethidine intermediate C (otherwise known as 1-methyl-4-phenylpiperidine-4-carboxylic acid)
(248) Phenadoxone
(249) Phenampromide
(250) Phenazocine
(251) Phencyclidine (PCP)
(252) Phendimetrazine
(253) Phenmetrazine
(254) Phenobarbital
(255) Phenomorphan
(256) Phenoperidine
(257) Phenteramine
(258) 1-phenylethyl-4-phenyl-4- piperidinol acetate (PEPAP)
(259) Phenylenediamines in preparations for skin colouration
(260) Phenylpropanol
(261) Pholcodine except when included in the Sale of Medicines Act
(262) Piminodine
(263) Pinazepam
(264) Pipradrol
(265) Piritramide
(266) Prazepam
(267) Proheptazine
(268) Properidine
(269) Propiram
(270) Propoxyphene
(271) Psilocine [3-(2-demethylaminoethyl)-4-hydroxyindole]
(272) Psilocybine
(273) Psilotsin
(274) Pteridium spp. for therapeutic use
(275) Pulmonaria spp. for therapeutic use
(276) Pyrovalerone
(277) Quinalbarbitone
(278) Racemethorphan
(279) Racemoramide
(280) Racemorphan
(281) Remifentanil

(282) Rolicyclidine (PHP, PCPV)
(283) Safrole for internal use
(284) Salvia Divinorum
(285) Secobarbital
(286) Secbutabarbital
(287) Senecio spp. for therapeutic use
(288) Silicones for tissue augmentation by injection
(289) Sufentanil
(290) Symphytum spp. (Comfrey) for therapeutic or cosmetic use
(291) Tenocyclidine (TCP)
(292) Tetrahydrocannabinols
(293) Tetrazepam
(294) Thebacon
(295) Thebaine
(296) Thiofentanyl
(297) Tilidine
(298) Triazolam
(299) 1,1,1-Trichloroethane in pressurised spray packs for therapeutic use
(300) Trichodesma africana for therapeutic use
(301) Trimeperidine
(302) 3, 4, 5-trimethoxy-a-methylphenylamine (TMA)
(303) 3,4,5-trimethoxyphenethylamine (Mescaline)
(304) 1-(3,4,5-trimethoxyphenyl)-2-aminobutane
(305) Triparanol for therapeutic use
(306) Tussilago farfara for therapeutic use
(307) Vinylbital
(308) Zipeprol
(309) any preparation, admixture, extract or other substances (including salts and derivatives) containing any proportion of any of the substances mentioned in this section, *except* when separately specified in the Sale of Medicines Act [Cap. 48].
(310) any narcotic drug, as defined by the United Nations International Narcotic Control Board, *except* when separately specified in the Sale of Medicines Act [Cap. 48].
(311) Any psychotropic drug, as defined by the United Nations International Narcotic Control Board, *except* when separately specified in the Sale of Medicines Act [Cap. 48].

3. Exemptions

The following preparations are exempted from the prohibitions imposed by this Act –

A preparation carried into Vanuatu for personal use if the preparation is:

(a) of reasonable amount; and

(b) accompanied with a letter from the medical practitioner from the person's country of origin; and

(c) appropriately labelled with its correct name.

4. Prohibition of cultivation of cannabis plant

The cultivation of any plant of the genus Cannabis shall be prohibited.

5. Permitting premises to be used for smoking cannabis

A person, being the occupier of any premises or being concerned in the management of any premises, shall not permit those premises to be used for the purpose of smoking cannabis or cannabis resin or of dealing in cannabis or cannabis resin (whether by sale or otherwise).

6. Variation of listed drugs

The Minister responsible for health may at any time vary the list of substances and materials included in sections 2 and 3.

7. Import certificate

Notwithstanding anything hereinbefore contained the Minister responsible for health may at the request of any duly qualified medical practitioner or pharmacist issue to him a permit in the form of the Schedule authorising the importation by him for medical or scientific purposes of any of the substances mentioned in section 2, except prepared opium and the pipes and utensils mentioned in paragraph (15) of section 2.* A separate permit shall be necessary for each particular substance. A duplicate of each permit shall be supplied to the importer to be sent by him to the person from whom he intends to import the substance.

8. Control of imports

Copies of all permits issued shall be sent to the Director of Customs, who shall render to the Minister responsible for health at the end of every quarter a return of quantities of each of the prohibited substances imported under permit.

9. Conditions of sale and supply by medical and veterinary practitioners and chemists

Nothing in this Act shall apply to the sale, possession, or distribution of –

(a) any substance compounded by a qualified pharmacist, or at any hospital, as a medicine according to the prescription of a qualified medical practitioner or qualified veterinary surgeon, provided that it is supplied or sold to the person for whom it was intended;

(b) medicines dispensed by a qualified medical practitioner, for his patients, or by a qualified veterinary surgeon, for animals, under his treatment;

(c) any of the substances or materials specified in section 2, except prepared opium and the pipes and utensils mentioned in paragraph (15) of section 2* supplied by a medical officer to certain authorised persons working under the supervision of the said medical officer. The names of such authorised persons, after being approved by the Director of Health, shall be submitted to the Minister responsible for health for approval and registration. Such authorised persons shall record in duplicate –

(i) every dose of any of the substances or materials specified in section 2 and used under the provisions of this subsection for medical purposes;

(ii) the name of the patient; and

(iii) the condition of the patient which necessitated the use of the substance or material,

and shall forward 1 copy of each record to the supervising medical officer concerned at intervals of not more than 3 months.

10. Seizures

It shall be lawful for any police or customs officer to seize and confiscate any prohibited substance or material or preparation containing any prohibited substance, found under conditions contravening the provisions of this Act.

11. Searches of the person

It shall be lawful for any police or customs officer to take cognizance of any offence under this Act and to search the person of anyone suspected of concealing thereon any prohibited substance or material or any document or thing connected therewith.

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* *Editor's note: This section has since been amended; there is no corresponding provision referring to pipes or utensils.*

12. Search warrants

The court, on application, may issue to any police or customs officer a warrant to search any premises or place in which any prohibited substance or material or any correspondence or thing connected therewith is reasonably suspected to be.

13. Obstruction to officers searching

Any person wilfully delaying or obstructing any holder of such warrant or concealing any substances, articles, books, or documents, as aforesaid, shall be guilty of an offence under this Act.

14. Offence against conditions of permits

Any person who wilfully –

(a) acts in contravention of or fails to comply with the conditions of any permit granted under this Act, or

(b) aids or abets or prepares the commission of or an attempt to commit an offence under this Act,

shall be guilty of an offence under this Act.

15. Evidence

A certificate of contents purporting to be signed by or on behalf of the Government analyst of any country approved for the purpose by the Minister responsible for health, if it relates to any prohibited drug or to any traces of a prohibited drug found on any syringe, pipe, utensil or other material whatsoever which appears to have been used for the smoking, consumption, ingestion or injection of any of the substances listed in section 2 shall be admissible in any proceedings and shall be evidence of the facts stated therein.

16. Forfeiture of vessel etc., used for carrying drugs

(1) Any aircraft, ship not exceeding 500 tons burden, or vehicle used for the unlawful importation, landing, removal, carriage or conveyance of any of the substances listed in section 2 with the knowledge of the captain, master or driver thereof shall be liable in the discretion of the court to forfeiture.

(2) The master of any ship, the captain of any aircraft or the driver of any vehicle on or in which any of the substances listed in section 2 may be discovered shall, in the absence of any proof to the contrary, the burden of which shall fall on him, be deemed to be in possession of such substance and to have knowledge of the importation, landing, removal, carriage or conveyance of any substance found thereon or therein.

17. Penalties for contravention of Act

Every contravention of this Act shall constitute an offence punishable by a fine not exceeding VT 100 million or to a term of imprisonment not exceeding 20 years or to both such fine and imprisonment.

18. Condemnation

(1) Where any person is prosecuted for any offence against this Act and any substance, material or thing is liable to forfeiture by reason of the commission of such offence, then upon the conviction of such person of such offence, the same shall without further order, be condemned.

(2) Where any person is prosecuted for any offence against this Act and any substance, material or thing is liable to forfeiture by reason of the commission of such offence, then, upon the acquittal of such person, the court may order such substance, material or thing –

(a) to be released to the person from whom it was seized or to the owner thereof; or

(b) to be condemned.

SCHEDULE

(section 7)

IMPORT CERTIFICATE
(Dangerous Drugs Act, Cap. 12)

No. .....

I, the undersigned, the Minister responsible for health, hereby certify that I have pursuant to section 7 of the Dangerous Drugs Act, Cap. 12 approved the importation by .....

..... of .....

Vanuatu, of .....

.....

from .....

subject to the following conditions .....

.....

.....

and I am satisfied that the consignment proposed to be imported is required solely for legitimate medicinal or scientific purposes.

Dated at Port Vila in Vanuatu this ..... day of ....., 20 .....

Minister

Table of Amendments (since the Revised Edition 1988)

2 Amended by Instrument of Variation pub. Gaz. 25 of 2005 (72-312 renumbered as 71-311)
3 Amended by Instrument of Variation pub. Gaz. 25 of 2005
17 Substituted by Act 29 of 1989