Issuer:	Riigikogu
Type:	act
In force from:	16.08.2022
In force until:	31.05.2023
Translation published:	13.09.2022

Act on Narcotic Drugs and Psychotropic Substances and Precursors thereof[1]

[RT I 2005, 24, 180 - entry into force 20.05.2005]

Passed 11.06.1997
RT I 1997, 52, 834
Entry into force 01.11.1997

Amended by the following acts

Passed	Published	Entry into force
17.10.2001	RT I 2001, 88, 531	01.07.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
17.12.2003	RT I 2003, 88, 591	01.01.2004
16.12.2004	RT I 2005, 2, 4	01.03.2005
13.04.2005	RT I 2005, 24, 180	20.05.2005, in part 18.08.2005
15.06.2005	RT I 2005, 37, 284	01.07.2005
15.06.2006	RT I 2006, 32, 247	17.07.2006
07.06.2007	RT I 2007, 44, 314	01.01.2008
12.03.2008	RT I 2008, 15, 108	01.11.2008
26.11.2009	RT I 2009, 62, 405	01.01.2010
28.01.2010	RT I 2010, 7, 31	26.02.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24 – 26).
27.01.2011	RT I, 17.02.2011, 3	27.02.2011
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, in part 01.01.2014 ja 01.11.2014
20.02.2013	RT I, 05.03.2013, 1	15.03.2013
27.03.2013	RT I, 17.04.2013, 2	27.04.2013, in part 01.07.2013 ja 02.07.2013
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
17.04.2014	RT I, 09.05.2014, 1	19.05.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 4 of § 107³ of the Government of the Republic Act.
18.11.2015	RT I, 01.12.2015, 1	11.12.2015
13.04.2016	RT I, 03.05.2016, 3	13.05.2016
07.11.2018	RT I, 14.11.2018, 3	23.11.2018

20.02.2019	RT I, 13.03.2019, 2	15.03.2019
19.12.2019	RT I, 08.01.2020, 2	01.02.2020
19.07.2022	RT I, 06.08.2022, 6	16.08.2022

Chapter 1
GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act regulates:
1) the procedure for preparation and approval of schedules of narcotic drugs and psychotropic substances;
2) the procedure for handling narcotic drugs and psychotropic substances and precursors thereof (hereinafter *precursors*);
3) the procedure for inspection and identification of narcotic drugs, psychotropic substances and precursors, the procedure for issue and making registrations of permits required for the handling of narcotic drugs, psychotropic substances and precursors, and supervision over the implementation of such procedure;
[RT I, 01.12.2015, 1 – entry into force 11.12.2015]
4) the procedure regarding information and reporting on narcotic drugs, psychotropic substances and precursors;
5) the procedure for prevention of the spread of drug addiction, and treatment and rehabilitation of drug addicts.

(2) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

§ 2. Definitions used in Act

In this Act, the following definitions are used:
1) "narcotic drugs and psychotropic substances" mean substances listed in the schedules established on the basis of subsection 1 of § 3^1 of this Act and substances belonging to the group of substances, and isomers, esters, ethers and salts of these substances, and medicinal products containing such substances;
[RT I, 03.05.2016, 3 – entry into force 13.05.2016]
1^1) "new psychoactive substances" mean substances with psychoactive effect, which are not entered in the schedule established on the basis of subsection 1 of § 31 of this Act or which do not belong to the group of substances listed in the schedule;
[RT I, 03.05.2016, 3 – entry into force 13.05.2016]
1^2) "group of narcotic drugs and psychotropic substances" means substances with the same general structural formula belonging to the group of substances listed in Schedule VI established on the basis of subsection 1 of § 3^1 of this Act;
[RT I, 03.05.2016, 3 – entry into force 13.05.2016]
2) "precursors" mean substances specified in Article 2.a of Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors (OJ L 047, 18.02.2004, p. 1#10) and in Article 2.a of Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (OJ L 022, 26.01.2005, p. 1-10).
2^1) "importation and exportation" means the application of the customs procedure of release for free circulation to a narcotic drug or psychotropic substance or precursors (hereinafter *importation*) or the customs procedure of exportation (hereinafter *exportation*) or the transport of such substances from a Member State of the European Union or a Member State of the European Economic Area to Estonia or vice versa;
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]
3) "handling" means the owning, possessing, mediating, use, cultivation, gathering, preparing, manufacturing, processing, packaging, preserving, storing, loading, transport, exportation or importation, the application of the customs procedure of transit (hereinafter *transit*), supplying to third persons for a charge or without charge of narcotic drugs, psychotropic substances or precursors;
4) "handler" means a natural person or legal person who handles narcotic drugs, psychotropic substances or precursors;
5) handling permits and registrations" mean single activity licences issued or registrations made for a specified period by the State Agency of Medicines to manufacturers, wholesalers, scientific institutions and other institutions, handlers of precursors; import and export authorisations; and permits issued by surveillance agencies in the cases referred to in § 5 of this Act;
[RT I, 01.12.2015, 1 – entry into force 11.12.2015]
6) "drug addiction" means a psychological or physical dependence which develops as a result of using narcotic drugs or psychotropic substances;
7) "drug addict" means a person who, as a result of using narcotic drugs or psychotropic substances, has a psychological or physical dependency on such substances.
[RT I 2006, 32, 247 – entry into force 17.07.2006]

Chapter 2
HANDLING PROCEDURE

§ 3. Restrictions on handling narcotic drugs and psychotropic substances

(1) The handling of narcotic drugs and psychotropic substances is prohibited except for medical or scientific purposes, to prevent, detect or combat criminal offences relating to narcotic drugs or psychotropic substances or for use for educational purposes as prescribed by this Act.

(1^1) The handling of substances listed in Schedule V of the regulation established on the basis of subsection 1 of § 3^1 of this Act shall be prohibited only in case the purpose thereof is causing drug intoxication to a person.
[RT I, 05.03.2013, 1 – entry into force 15.03.2013]

(2) Cultivation of opium poppy or cannabis for the purpose of preparing narcotic drugs is prohibited. Opium poppy and cannabis may be cultivated for the purpose of agricultural production pursuant to the requirements of a relevant market measure of the European Union Common Agricultural Policy.

(2^1) Cultivation of mushrooms containing psilocine or psilocybine is prohibited.

(3) [Repealed – RT I 2008, 15, 108 – entry into force 01.11.2008]

(4) Proprietary medicinal products containing narcotic or psychotropic substances which are medicinal products carried for first-aid purposes on ambulance cars of emergency medical care providers, state rescue services and on board of ships and aircraft engaged in international transportation are exempt from import and export restrictions arising from this Act. Medicinal products carried for first-aid purposes shall be handled under the conditions and pursuant to the procedure established on the basis of subsection 15 of § 4 of this Act.
[RT I 2005, 37, 284 – entry into force 01.07.2005]

§ 3^1. Schedules of narcotic drugs and psychotropic substances

(1) The schedules of narcotic drugs and psychotropic substances shall be established by a regulation of the minister in charge of the policy sector. Amendments shall be made to the schedule of narcotic drugs and psychotropic substances on the proposal of the State Agency of Medicines. The schedules of narcotic drugs and psychotropic substances shall be prepared on the basis of the 1961 United Nations Single Convention on Narcotic Drugs and the 1971 United Nations Convention on Psychotropic Substances or taking into account the degree of the risk of misuse of narcotic drugs and psychotropic substances and of causing addiction.
[RT I, 17.02.2011, 3 – entry into force 27.02.2011]

(2) The procedure established on the basis of subsection 15 of § 4 of this Act may prescribe the conditions under which certain proprietary medicinal products shall not be considered narcotic and psychotropic medicinal products due to the purpose of their use and the content of narcotic drug or psychotropic substance therein.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

(3) Large quantity means a quantity of narcotic drug or psychotropic substance, plant or fungus which is sufficient for causing drug intoxication to at least ten people.
[RT I, 03.05.2016, 3 – entry into force 13.05.2016]

§ 4. Handling of narcotic drugs and psychotropic substances

(1) Substances listed in Schedule I and medicinal products containing such substances shall be imported and exported for use for the purposes specified in subsection 1 of § 3 on the basis of the import or export authorisation of the State Agency of Medicines.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

(2) The handling of substances listed in Schedule I and medicinal products containing such substances shall be in accordance with the requirements for handling the substances of Schedule II and medicinal products containing such substances.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

(3) Additional requirements for obtaining import authorisation for the use of substances and medicinal products specified in Schedule I for medical purposes shall be provided by legislation established on the basis of subsection 15 of this section.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

(4) Only persons who have the right to handle narcotic drugs may manufacture, import or export or market by wholesale the substances listed in Schedules II and III and medicinal products containing such substances. The State Agency of Medicines shall issue an authorisation for specified term for manufacturing substances listed in Schedule II and III and medicinal products containing such substances which shall set out the quantity of the medicinal product to be manufactured and the period of time planned for manufacturing.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

(5) Only persons who have the right to handle psychotropic substances may manufacture, import or export or market by wholesale the substances listed in Schedule IV and medicinal products containing such substances. The right to handle psychotropic substances need not be applied for in the case of existence of the right to handle narcotic drugs and if the required conditions for handling psychotropic substances are guaranteed.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

(5^1) Only the restriction provided for in subsection 1^1 of § 3 of this Act shall apply to the handling of substances listed in Schedule V.
[RT I, 05.03.2013, 1 – entry into force 15.03.2013]

(5^2) The restrictions established for the substances listed in Schedule I shall apply to the groups of substances listed in Schedule VI.
[RT I, 03.05.2016, 3 – entry into force 13.05.2016]

(6) [Repealed – RT I, 17.04.2013, 2 – entry into force 01.07.2013]

(7) [Repealed – RT I, 17.04.2013, 2 – entry into force 01.07.2013]

(8) [Repealed – RT I, 17.04.2013, 2 – entry into force 01.07.2013]

(9) The substances listed in Schedule II and medicinal products containing such substances may be dispensed to the public by a pharmacy only on the basis of a medical prescription for a narcotic medicinal product or a veterinary prescription for a narcotic medicinal product and the substances listed in Schedules III and IV and medicinal products containing such substances may be dispensed only on the basis of a medical or veterinary prescription. The substances listed in Schedules II, III and IV and medicinal products containing such substances may be dispensed to other persons on the basis of order form.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

(9^1) Narcotic drugs and psychotropic substances and medicinal products containing such substances shall not be dispensed on the basis of a prescription issued in the European Union and specified in subsection 1^1 of § 33 of the Medicinal Products Act.
[RT I 2010, 7, 31 – entry into force 26.02.2010]

(10) For the use of narcotic drugs and psychotropic substances for scientific research or other scientific purposes, an authorisation from the State Agency of Medicines shall be applied for.
[RT I, 01.12.2015, 1 – entry into force 11.12.2015]

(11) The State Agency of Medicines shall issue the authorisation for manufacture of or wholesale trade in narcotic drugs and psychotropic substances under the conditions and pursuant to the procedure prescribed by the Medicinal Products Act and at the same time as granting the activity licence for handling medicinal products. The right to handle narcotic drugs and psychotropic substances shall be set out as a special condition on the activity licence for manufacture of or wholesale trade in medicinal products.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

(12) [Repealed – RT I, 17.04.2013, 2 – entry into force 01.07.2013]

(13) An import or export authorisation of narcotic drugs and psychotropic substances shall be issued by the State Agency of Medicines under the conditions and pursuant to the procedure established by the Medicinal Products Act and on the basis thereof.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

(14) The applicant shall pay a state fee on the application for an import or export authorisation of narcotic drugs and psychotropic substances.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

(15) The conditions and procedure for handling of narcotic drugs and psychotropic substances for medical and research purposes, and the conditions and procedure for maintaining records and reporting in that area shall be established by the minister in charge of the policy sector.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

§ 4^1. Handling of precursors

(1) In addition to the regulations provided for in this Act, the handling of precursors shall be guided by directly applicable legislation regulating the trade in precursors in the European Union:

1) Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors;
2) Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors;
3) Commission Delegated Regulation (EU) 2015/1011 supplementing regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors, and repealing Commission Regulation (EC) No 1277/2005 (OJ L 162, 27.06.2015, pp. 12–25);
[RT I, 14.11.2018, 3 – entry into force 23.11.2018]
4) Commission Implementing Regulation (EU) 2015/1013 laying down rules in respect of Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and of Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Union and third countries in drug precursors (OJ L 162, 27.06.2015, pp. 33–64).
[RT I, 14.11.2018, 3 – entry into force 23.11.2018]

(2) An activity licence required for possession, placing on the market, importation, exportation or intermediation activities in precursors of category I shall be issued by the State Agency of Medicines.

(3) To obtain and renew an activity licence, an applicant for activity licence shall submit to the State Agency of Medicines the documents specified in Article 3 (2) b) of Commission Delegated Regulation (EU) 2015/1011 and pay the state fee.
[RT I, 14.11.2018, 3 – entry into force 23.11.2018]

(4) For placing on the market, importation, exportation and intermediation activities in precursors of category II and for exportation of precursors of category III, an enterprise shall register the addresses of its production facilities and places of sale (premises that constitute place of business) with the State Agency of Medicines.

(4^1) An undertaking having a permanent establishment in Estonia must register the handling of the precursors of subcategory 2A of category II with the State Agency of Medicines prior to the acquisition of the specified substance.
[RT I, 01.12.2015, 1 – entry into force 11.12.2015]

(5) A holder of activity licence for pharmacy services is not required to apply for an activity licence or registration prescribed in subsections 2, 4 and $4^1$of this section for the acquisition, ownership and use of precursors if the precursors are used exclusively for preparation of medicinal products in compliance with the requirements for the handling of precursors.
[RT I, 01.12.2015, 1 – entry into force 11.12.2015]

(6) The authorisation for importation and exportation of precursors shall be issued by the State Agency of Medicines.

(7) The applicant shall pay a state fee upon application for authorisation for importation and exportation of precursors.

(7^1) The sender of a drug precursors pre-export notification to the competent authority of a country of destination shall be the State Agency of Medicines.
[RT I, 01.12.2015, 1 – entry into force 11.12.2015]

(8) A report on the handling of precursors shall be submitted to the State Agency of Medicines in accordance with Article 9 of Commission Delegated Regulation (EU) 2015/1011 and Article 10 of Commission Implementing Regulation (EU) 2015/1013.
[RT I, 14.11.2018, 3 – entry into force 23.11.2018]

§ 5. Handling of narcotic drugs and psychotropic substances for purposes of prevention, detection and combating of offences and for handling in educational purposes

(1) Within a surveillance agency, the authorisation for the handling of narcotic drugs and psychotropic substances for the purposes of prevention, detection and combating of offences and for handling in educational purposes shall be issued by the head of the surveillance agency.

(1^1) Within an institution of professional higher education for public defence, narcotic drugs and psychotropic substances shall be handled for educational purposes within the framework of service dog training with the permission of the Rector of the institution of professional higher education for public defence.
[RT I, 17.02.2011, 3 – entry into force 27.02.2011]

(2) A surveillance agency and an institution of professional higher education for public defence shall maintain records of the quantity of narcotic drugs and psychotropic substances and shall report to the State Agency of Medicines pursuant to the procedure established on the basis of subsection 15 of § 4 of this Act.

[RT I, 17.02.2011, 3 – entry into force 27.02.2011]

§ 6. Recording of narcotic drugs, psychotropic substances and precursors

[RT I 2006, 32, 247 – entry into force 17.07.2006]

(1) A handler who is legal person shall appoint in writing a responsible natural person and the person substituting for him or her in his or her absence who maintains records of narcotic drugs and psychotropic substances and forwards the information related thereto to the State Agency of Medicines pursuant to the procedure established on the basis of subsection 15 of § 4 of this Act.

(2) [Repealed – RT I 2006, 32, 247 – entry into force 17.07.2006]

(3) The State Agency of Medicines has the right to inspect the records specified in subsection 1 of this section and to issue precepts.

(4) Information on narcotic drugs, psychotropic substances and precursors thereof gathered pursuant to the procedure prescribed in subsection 1 of this section and Article 9 of Commission Delegated Regulation (EU) 2015/1011 and Article 10 of Commission Implementing Regulation (EU) 2015/1013 shall be submitted to the European Commission.
[RT I, 14.11.2018, 3 – entry into force 23.11.2018]

(5) Statistical data on the total turnover of narcotic drugs, psychotropic substances and precursors in Estonia is public.

(6) [Repealed – RT I 2005, 24, 180 – entry into force 20.05.2005]

(7) [Repealed – RT I 2005, 24, 180 – entry into force 20.05.2005]

§ 7. Transfer, confiscation and destruction of narcotic drugs and psychotropic substances and precursors

(1) Handlers who do not have the right for handling narcotic drugs or psychotropic substances or precursors but who have such substances in their possession are required to deliver these promptly to the Police and Border Guard Board. The procedure for documentation of delivery and storage of substances shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 01.12.2015, 1 – entry into force 11.12.2015]

(2) The holder of an activity licence for manufacture of, wholesale trade in or retail trade in medicinal products may transfer narcotic drugs or psychotropic substances for a charge or without charge to other holders of activity licence for manufacture, wholesale trade in or retail trade in medicinal products who has the right to handle such substances. Precursors shall be transferred under the conditions and pursuant to the procedure established on the basis of subsection 15 of § 4^1 of this Act.

(3) Narcotic drugs or psychotropic substances or precursors thereof which are used as physical evidence in criminal or misdemeanour matter or which are subject to confiscation shall be delivered to the state forensic institution. The state forensic institution shall have the right to give the specified substances to an institution for research and development, if the institution has been issued a valid authorisation for the handling of the specified substances on the basis of subsection 10 of § 4 of this Act, and for use for educational purposes as specified in subsections 1 and 1^1 of § 5 of this Act. The minister in charge of the policy sector shall establish by a regulation the procedure for storage, delivery for use for scientific and educational purposes and destruction of substances.
[RT I, 01.12.2015, 1 – entry into force 11.12.2015]

§ 8. [Repealed – RT I 2005, 24, 180 – entry into force 01.07.2005]

§ 9. Final identification of narcotic drugs, psychotropic substances and precursors, and new psychoactive substances

[RT I, 03.05.2016, 3 – entry into force 13.05.2016]

(1) Final identification of narcotic drugs, psychotropic substances and precursors, and new psychoactive substances is ensured by the state forensic institution.
[RT I, 03.05.2016, 3 – entry into force 13.05.2016]

(2) The determining of medicinal products containing narcotic drugs, psychotropic substances and precursors and usability thereof is ensured by the State Agency of Medicines.
[RT I, 03.05.2016, 3 – entry into force 13.05.2016]

(3) The final identification of narcotic drugs and psychotropic substances from human body fluids and post-mortem materials is ensured by the state forensic institution.
[RT I 2007, 44, 314 – entry into force 01.01.2008]

(4) The state forensic institution and the State Agency of Medicines may order analyses from local and foreign laboratories.
[RT I 2007, 44, 314 – entry into force 01.01.2008]

§ 10. Prevention of spread of drug addiction

(1) Prevention of the illicit use of narcotic drugs and psychotropic substances and reduction of the spread of drug addiction are organised in co-ordination with the prevention council specified in § 20 of the Law Enforcement Act, pursuant to this Act and a strategic development plan encompassing the respective area, which is approved by the Government of the Republic.
[RT I, 06.08.2022, 6 – entry into force 16.08.2022]

(2) The Government of the Republic and local governments shall promote the activities of non-profit associations and foundations striving to prevent the spread of drug addiction.

(3) The Ministry of Social Affairs or a state research and development institution administered by the Ministry of Social Affairs shall collect and analyse the existing epidemiological and statistical data concerning drug situation and evaluate the spread of drug addiction.
[RT I, 09.05.2014, 1 – entry into force 19.05.2014]

§ 10^1. New psychoactive substances early warning information system

(1) The new psychoactive substances early warning information system (hereinafter early warning information system) is maintained to follow the information on the new psychoactive substances, to assess the risks related to such substances and to implement the control methods and share information between agencies.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The early warning information system shall be established and the statutes thereof shall be approved by a regulation of the minister in charge of the policy sector, setting out:
1) the processor of the database if the processor has been determined and the functions of processors;
2) the specific composition of data collected in the database and the procedure for entry thereof in the database;
3) the procedure of access to and issue of data;
4) the list of persons submitting data and the data received therefrom;
5) other organisational issues.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(3) The controller of the early warning information system shall be the National Institute for Health Development.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(4) [Repealed – RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(5) The data in the early warning information system shall not be public. The authorities specified in § $10^2$of this Act shall have access to the information system for the performance of the duties prescribed by law and in compliance with the purpose of the information system and processing of the data.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 10^2. Access to early warning information system, persons submitting data and procedure for submission of data

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(1) [Repealed – RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The State Agency of Medicines shall submit to the information system the data on the medicinal products containing the new psychoactive substances and the data on any potential abuse of the medicinal products containing the new psychoactive substances collected in the course of the supervision. The State Agency of Medicines shall have access to the data in the early warning information system for considering and making a proposal for the entry of a new psychoactive substance in the schedule established on the basis of subsection 1 of § $3^1$of this Act.

(3) The Tax and Customs Board shall submit to the information system the data on the spread, names, users and price of the new psychoactive substances. The Tax and Customs Board shall have access to the data in the early warning information system for the prevention of unlawful handling of goods and for the prevention, combating and detection of customs offences.

(4) The Ministry of Justice or a state authority administered by the Ministry of Justice shall submit to the information system the data on the names, description, quantity and manufacturing techniques of the new psychoactive substances submitted for an expert analysis or examination and the frequency of submission of the new psychoactive substances for an expert analysis or examination. The Ministry of Justice or a state authority administered by the Ministry of Justice shall have access to the data in the early warning information system for linking the expert analysis data with the data submitted by other authorities.

(5) The Police and Border Guard Board shall submit to the information system the data on the spread, names, users and price of the new psychoactive substances. The Police and Border Guard Board shall have access to the data in the early warning information system for the prevention, ascertainment and combating of threats to public order and the elimination of violations.

(6) The Health Board shall submit to the information system the data in matters involved with the area of activity of the Board based on the information collected in advising individuals. The Health Board shall have access to the data in the early warning information system for the monitoring, assessment and analysis of the situation at hand in its areas of activity.

(7) The Ministry of Social Affairs or a state research and development institution administered by the Ministry of Social Affairs shall submit to the information system the data based on the information received from Europol and the European Monitoring Centre for Drugs and Drug Addiction. A state research and development institution administered by the Ministry of Social Affairs shall have access to the data in the early warning information system for the performance of the obligation specified in the first section of Article 5a of Regulation (EC) No 1920/2006 of the European Parliament and of the Council on the European Monitoring Centre for Drugs and Drug Addiction (OJ L 376, 27.12.2006, pp. 1–13).
[RT I, 14.11.2018, 3 – entry into force 23.11.2018]

§ 10[3]. Data entered in early warning information system

The person who submits data shall enter with regard to a new psychoactive substance in the early warning information system the following data known to the person:
1) the data necessary for identification and differentiation from other substances of the substance;
2) information on the manufacturing, distribution and handling of the substance;
3) information on the use of the substance;
4) information on the pharmacological effect of the substance;
5) proposal for implementing the handling restrictions of the substance.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 11. Treatment of drug addiction

(1) Drug addiction is treated on the basis of a person's free will pursuant to the procedure prescribed in the Mental Health Act.

(2) Hospitalization of drug addicts who pose a danger to themselves or others due to a mental disorder, regardless of their will, shall be effected pursuant to legislation regulating mental health care.

§ 11[1]. Drug treatment database

(1) The drug treatment register is a database which is maintained to analyse the occurrence of drug addiction, prevent the spread of drug addiction and evaluate the efficiency of treatment, organise health services, evaluate the diagnostics and treatment, develop the health policy, organise statistics and scientific research, including epidemiological research.

(2) Upon the provision of psychiatric health services, the service providers who provide drug treatment are required to submit data to the drug treatment register.

(3) The following data shall be entered in the drug treatment register:
1) general data on the health care provider and patient;
2) data on the patient's drug treatment and related infectious diseases;
3) patient's risk behaviour data.

(4) The drug treatment register shall be established and the statutes thereof shall be approved by the minister in charge of the policy sector, setting out:
1) the processor if the processor has been determined and the functions of processors;
2) the persons submitting data and the data received therefrom;
3) the specific composition of data collected and the procedure for entry thereof in the drug treatment register;
4) the extent, conditions and procedure for access to and issue of data;
5) the procedure for preservation of logging and source data;
6) other organisational issues.

(5) Restriction on access to the data of the drug treatment register is valid without a term.

(6) The health care provider specified in subsection 2 of this section, who has the obligation to maintain confidentiality arising from the law, shall have the right to process personal data in the drug treatment register without the consent of the data subject for the provision of health services.

(7) Personal data shall not be issued for the purposes of legitimate interest, except for on the conditions and pursuant to the procedure provided for in § 6 of the Personal Data Protection Act.

(8) The data of the drug treatment register shall be preserved without a term. Logging and source data shall be preserved according to the provisions of the statutes of the drug treatment register.

(9) The controller of the drug treatment register is the National Institute for Health Development.
[RT I, 08.01.2020, 2 – entry into force 01.02.2020]

§ 12. Rehabilitation of drug addicts

The rehabilitation of and social assistance to persons suffering from drug addiction shall be organised by the Government of the Republic and local governments.

Chapter 2[1]
STATE AND ADMINISTRATIVE SUPERVISION

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 12[1]. State and administrative supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
The state and administrative over compliance with the directly applicable European Union legal acts regulating trade in precursors and with this Act and legislation established on the basis thereof shall be exercised, according to their competence, by the State Agency of Medicines and the Tax and Customs Board.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 12[2]. Specific state supervision measures

In order to exercise state supervision provided for in this Act, a law enforcement authority may apply the specific state supervision measures provided for in §§ 30, 31, 32, 50, 51 and 52 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 12[3]. Non-compliance levy rates

Upon failure to comply with a precept, the maximum rate of the non-compliance levy imposed pursuant to the procedure provided for in the Substitutional Performance and Non-Compliance Levies Act is 1600 euros.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

Chapter 3
LIABILITY

§ 13. [Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

§ 13[1]. [Repealed – RT I 2005, 24, 180 – entry into force 20.05.2005]

§ 14. [Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

§ 15. [Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

§ 15[1]. Unlawful handling of small quantities of narcotic drugs or psychotropic substances

(1) Consumption of narcotic drugs or psychotropic substances without a prescription, or illegal manufacture, acquisition or possession of small quantities of narcotic drugs or psychotropic substances is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 15[2]. [Repealed – RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 15[3]. Proceedings

(1) The Police and Border Guard Board and the Tax and Customs Board shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in § 15[1] of this Act.

(2) The Police and Border Guard Board, the Tax and Customs Board or a court shall confiscate the substance which was the direct object of commission of a misdemeanour provided for in § 15[1].
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

Chapter 4
IMPLEMENTING PROVISIONS

§ 16.–§ 18.[Omitted from this text.]

§ 18[1]. Implementation of Act

[Repealed – RT I, 01.12.2015, 1 – entry into force 11.12.2015]

§ 18[2]. Specification of implementation of § 11[1] of this Act

(1) Personalised drug treatment cases shall be entered in the drug treatment register since 1 February 2020.

(2) The data of drug treatment cases entered in the drug treatment register before 1 February 2020 shall be archived in a non-personalised form according to the provisions of the statutes of the drug treatment register.
[RT I, 08.01.2020, 2 – entry into force 01.02.2020]

§ 19. Entry into force of Act

(1) This Act enters into force on 1 November 1997.

(2) Subsection 3 of § 3[1] enters into force on 1 July 2005.

(3) Section 8 of this Act is repealed as of 1 July 2005.

(4) Section 11[1] of this Act enters into force on 1 January 2006.
[RT I 2005, 24, 180 – entry into force 20.05.2005]

[1]Directive (EU) 2017/2103 of the European Parliament and of the Council amending Council Framework Decision 2004/757/JHA in order to include new psychoactive substances in the definition of ‘drug’ and repealing Council Decision 2005/387/JHA (OJ L 305, 21.11.2017, pp. 12–18). [RT I, 14.11.2018, 3 – entry into force 23.11.2018]