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 of permits required for the handling of narcotic drugs, psychotropic substances and precursors, and supervision over the implementation of such procedure;
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 schedule established on the basis of subsection 33(1) of this Act and stereoisomers, esters, ethers and salts of these substances, and medicinal products containing such substances;
21) “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 Economic Area to Estonia or vice versa;
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” mean single activity licences issued for a specified period by the Ministry of Social Affairs or 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, 17.04.2013, 2 - entry into force 01.07.2013]
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.

(11) The handling of substances listed in Schedule V of the regulation established on the basis of subsection 33(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.

(21) 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 4 (15) of this Act.
§ 3. 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 of Social Affairs. 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.

(2) The procedure established on the basis of subsection 4 (15) 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.

(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. A mixture of substances which has been derived by mixing a narcotic drug or psychotropic substance with another substance shall be deemed equal to narcotic drug or psychotropic substance within the meaning of this subsection.

§ 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 3 (1) on the basis of the import or export authorisation of the State Agency of Medicines.

(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.

(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.

(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.

(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.

(5' ) Only the restriction provided for in subsection 3 (1') of this Act shall apply to the handling of substances listed in Schedule V.

(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
veternary 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) 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 33 (1) 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 enterprise shall apply for authorisation from the State Agency of Medicines. [RT I 2005, 24, 180 - entry into force 20.05.2005]

(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 of Social Affairs. [RT I 2005, 24, 180 - entry into force 20.05.2005]

§ 4 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:

(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 5 of Commission Regulation (EC) No 1277/2005 and pay the state fee.

(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.

(5) A holder of activity licence for pharmacy services is not required to apply for separate special authorisation or special registration for possession and marketing of precursors if the precursors are used exclusively for preparation of medicinal products.

(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.

§ 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.

(11) 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.

(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 4 (15) of this Act.

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

(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 4 (15) of this Act.

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

(3) Information on narcotic drugs, psychotropic substances and precursors thereof gathered pursuant to the procedure prescribed in subsection (1) of this section and Articles 17-19 of Commission Regulation (EC) No 1277/2005 shall be submitted to the International Narcotics Control Board.

(4) 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 hold a permit for handling narcotic drugs or psychotropic substances or precursors but who have such substances in their possession are required to deliver them promptly to the police authority, except in the cases specified in subsection (2) of this section and in subsection 37 (2) of the Medicinal Products Act. The procedure for documentation of delivery and storage of substances shall be established by a regulation of the Minister of Internal Affairs.

(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 4 (15) 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 has the right to give the specified substances for use for educational purposes as specified in subsections 5 (1) and (11) of this Act. The procedure for the storage, transfer for use for educational purposes and destruction of substances shall be established by a regulation of the Minister of Justice.
§ 9. Final identification of narcotic drugs, psychotropic substances and precursors

(1) The final identification of narcotic drugs, psychotropic substances and precursors is ensured by the state forensic institution.

(2) The identification of medicinal products containing narcotic drugs, psychotropic substances and precursors and usability thereof is ensured by the State Agency of Medicines.

(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.

(4) The state forensic institution and the State Agency of Medicines may order analyses from local and foreign laboratories.

§ 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 pursuant to this Act and a national programme. The national programme for prevention of drug addiction shall be approved by the Government of the Republic and financed from the state budget.

(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) Estonian Drug Monitoring Centre belonging to the structure of the National Institute for Health Development shall collect and analyse the existing epidemiological and statistical data concerning drug situation and evaluate the spread of drug addiction.

§ 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'. Drug treatment database

(1) The drug treatment database (hereinafter database) is a state register established by the Government of the Republic on the basis of the Databases Act and this Act which is maintained for the registration of persons who have requested drug treatment.

(2) The objective of the database is the processing of data on persons who have requested drug treatment for the analysis of occurrence of drug addiction and organisation of the respective health care services, for the planning of preventive measures for drug addiction and evaluation of the efficiency thereof, and for the organisation of drug treatment statistics.

(3) The Ministry of Social Affairs shall be the chief processor of the database and the National Institute for Health Development shall be the authorised processor of the database.

(4) The database shall be established and the statutes shall be approved by the Government of the Republic.

(5) The database shall be maintained in a form which prevents the identification of persons entered in the register.

(6) Health care providers holding an activity licence for psychiatry are required, upon providing psychiatric health care service, to submit the data obtained to the database under the conditions and pursuant to the procedure provided for in the statutes of the database.

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

§ 12¹. Supervision

(1) Supervision 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 is exercised, according to their competence, by the State Agency of Medicines and the Tax and Customs Board.

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

(2) An official exercising supervision (hereinafter supervisory official) has the right, for performance of his or her duties, to:
1) check adherence to the requirements provided by the directly applicable European Union legal acts regulating trade in precursors, this Act and legislation established on the basis thereof;
2) enter, for exercise of supervision, the facilities being inspected;
3) obtain information necessary for exercising supervision from natural persons or representatives of legal persons, to examine relevant documents in the process of exercising supervision;
4) make copies of and extracts from the documents;
5) take the documents with him or her, if this is necessary for making copies of or extracts from the documents, or if there is reason to believe that the documents may not be available later;
6) issue, within the limits of his or her competence, precepts to terminate a violation of the requirements of the directly applicable European Union legal acts regulating trade in precursors, this Act or legislation established on the basis thereof, to eliminate the consequences of the violation, to make good the damage caused by the violation or breach or to perform other acts.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

Chapter 3
LIABILITY

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

§ 13. [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. Unlawful handling of small quantities of narcotic drugs or psychotropic substances

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 200 fine units or by detention.

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 15. Violation of requirements for handling narcotic drugs or psychotropic substances or precursors thereof or of requirements for related record keeping or reporting

(1) Violation of the requirements for manufacture, production, processing, packaging, storage, transportation, import, export, transit, delivery or record keeping concerning or reporting on narcotic drugs or psychotropic substances or the precursors thereof is punishable by a fine of up to 300 fine units.

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

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 15. Proceedings

(1) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure apply to the misdemeanours provided for in §§ 15.1 and 15.2 of this Act.

[RT I 2009, 62, 405 - entry into force 01.01.2010]

(2) The police authorities or a court shall confiscate the substance which was the direct object of commission of a misdemeanour provided for in § 15.1.

[RT I 2009, 62, 405 - entry into force 01.01.2010]

(3) The police authorities, the Tax and Customs Board or a court may, pursuant to § 83 of the Penal Code, apply confiscation of the substance which was the direct object of commission of a misdemeanour provided for in § 15.2.

[RT I 2009, 62, 405 - entry into force 01.01.2010]

(4) Extra-judicial proceedings concerning the misdemeanours provided for in § 15.1 of this Act shall be conducted by police authorities.

[RT I 2009, 62, 405 - entry into force 01.01.2010]

(5) Extra-judicial proceedings concerning the misdemeanours provided for in § 15.2 of this Act shall be conducted by:

1) police authorities;
2) the Tax and Customs Board;
3) the State Agency of Medicines.

Chapter 4
IMPLEMENTING PROVISIONS

§ 16.–§ 18. [Omitted from this text]

§ 18. Implementation of Act

Registration certificates and import and export authorisations issued before 1 May 2004 are valid until 1 May 2005 but not for longer than the period of validity set out on thereon.

[RT I 2005, 24, 180 - entry into force 20.05.2005]
§ 19. Entry into force of Act

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

(2) Subsection 3\(^1\)(3) 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]