

NATIONAL DRUG CONTROL IMPLEMENTATION STRATEGIES

Section no. & sub - clauses	Provision in the “Narcotic Drugs, Psychotropic Substances and Substance Abuse Act 2005”	Implementing Agencies	Implementation Strategies
3	<p>Classification of Drugs, Precursors and Controlled Substances:</p> <p>Each of the plants drugs and substances to which this Act applies is classified by the Schedule in which it appears under its international non-proprietary name of lacking such a name under its scientific name.</p>	DRA,DRC	All internationally traded items Irrespective of make/ country of origin etc are classified under specified code as presented by the harmonized commodity description coding system of World Customs Organization.
4	Different measure of control are specified in this Act for different plants, drugs and substances according to the classification so adopted to ensure that drugs are available exclusively of medical, veterinary and scientific purpose with the strictest measure being applied in relating to those listed in Schedule I less strict measure in relating to those listed in Schedule II and the least strict in relating to those listed in Schedule III.	DRA, DRC	Prohibited& restricted goods are being Inputted into BACS system to ensure better compliance and implementation.
5	Each of the precursor to this Act applies is classified by the table of Schedule IV in which it appears.	DRA	
¹ 6	Schedule V includes other substances, which are liable for abuse but do not fall under international control. The board may issue directives as to the measure of control applicable to the substances.	BNCA	
	Preparations:	DRA	

¹DRC: Department of Revenue and Customs
DRA: Drug Regulatory Authority
BNCA: Bhutan Narcotic Control Agency

7	Preparation shall be subject to the same measures of control under this act as the drugs of abuse or controlled chemicals they contain, and where any preparation contains two or more constituent drugs of abuse it shall be subject to the measures governing the most strictly controlled constituent		
8	License: The cultivation, production, manufacture, wholesale and retail trading and distribution, import, export and use of the plants substances and preparations listed in Schedules II and III shall be prohibited to any establishment or on any premises not expressly licensed for that purpose.	MTI,MOA and MOH DRA	MTI shall issue license for establishment of a commercial venture base on guidelines and subject to clearance from the Ministry of Health
9	International Trade: Only private enterprise holding the licensed laid down in section 8 and especially designated public or Government enterprise using establishment and premise licensed pursuant to section 8 shall engage in import or export in the plants, substances and preparation listed un Schedule II and III	MTI,MOA and MOH DRA& Dept. of Trade	Any form of international trade will be guided by the “International Trade Policy of the Kingdom of Bhutan, 2004”. This includes import and export relating to any kinds of drugs and psychotropic substances.
10	All the exports and imports shall be subject to separate authorization by the competent authority. The authorization shall not be transferable.	DRA,DRC	Implementation of the same at entry exit points. Management authority should designated
11	The transit of any consignment of plants substances or preparation listed in Schedules II and III through Bhutan shall be prohibited, whether or not the consignment is removed from the convey in which it is carried unless a copy of the export authorization for consignment is produced to the competent authorities.	BAFRA, DRC,DRA, BNCA	Transit through Indian territories is governed by the trade, commerce and transit agreement between GOI & RGBO.
12	Any free port or free trade zones shall be subject to the same conditions and supervision as elsewhere in Bhutan.	DRC, BNCA	

14	Any person and any enterprise holding for professional purpose any plants substances and preparations listed Schedule II and III shall be required to keep them under the conditions to be laid down by the competent authority so as to prevent theft or any other diversion. ²	DRA	
15	Advertising: Any advertising of substances and preparation listed Schedules II and ³ III shall be prohibited except with the written approval of the competent authority in scientific of profession publication aimed at researchers or health professionals.	BNCA	
19	Manufacturers, importers, exporters wholesalers and retailers shall be required to notify the competent authority of a suspect order or operation especially as regards of quantities of the substances purchase or ordered the repetition of such orders and purchase of the modes of payment or transport used.	BNCA, DRA&DRC	1. For valuation and monitoring of the Controlled substances. 2. For recording the correct trade statistics.
20	An export or import authorization shall be denied if there are reasonable grounds to suspect that the consignment is destined for the illicit manufacture of narcotic drugs or psychotropic substances.	BNCA & DRA	

² BAFRA: Bhutan Agriculture & Food Regulatory Authority
MTI : Ministry of Trade and Industry
MoA: Ministry of Agriculture
DRA: Drug Regulatory Authority

21.	<p>Medical and Scientific Research and Teaching: For purposes of medical or scientific research teaching forensic work the competent authority may without requesting the licenses referred on section 8, authorize and individual to produce, manufacture, acquire, import use or hold plants, substances and preparations listed in Schedules I, II and III quantities not exceeding those strictly required for the purpose in question.</p>	DRA	
22	<p>Records: The beneficiary of the authorization shall enter in a register, which he shall keep for five years the quantities of plants substances and preparation that he imports acquires manufactures uses and destroy. He shall also enter the dates of the operations and the names of his supplier .He shall furnish the competent authority with an annual report on the same quantities used or destroyed and those held in stock.</p>	BNCA & DRA	
23	<p>Statistical Returns: Private and Government enterprise engaged in operation involving the plants, substances and preparations covered by this Act shall furnish to the competent authority statistical returns as prescribed in respect of their activities.</p>	BNCA & DRA	
24	<p>Estimates: The persons and enterprises referred in section 23 shall be required, at the beginning of each year, to make an inventory of the plants, substances and preparations listed in Schedules II and III held by them and to compare the total quantities in stock at the time of the previous inventory, calculated together</p>	BNCA & DRA	

	with those entered over the previous year and the total quantities withdrawn during this year, with those held at the time of the latest inventory.		
25	Reports: The Bhutan Narcotic Control Agency shall submit reports as and when required to the relevant agencies including International Narcotic Control Board (INCB).	BNCA	
26.	Inspections: Any person, private or public enterprise, Government enterprise, medical institution or scientific institute engaging in any activity of operation involving plants substances or preparations covered by this Act shall be controlled and monitored by the competent authority, who shall, in particular, arrange for inspectors to make ordinary inspections of the establishments, premise, stocks and records at least once every two years and extraordinary inspections at any time.	DRA	
27	Such control, monitoring and inspections shall extend to the compartments containing the first-aid kits of public transport conveyances engaged in international travel	DRA	
28	When it becomes apparent before, during or after an inspection that a criminal offences against this Act or the Penal Code of Bhutan may have been Committed, inspectors shall report the mater to the Royal Bhutan Police.	DRA & RBP	On receipt of the report in the form of complaint from the inspectors, the RBP shall arrest, search, seize, detain, investigate, and charge sheet as per the procedures prescribed under the CCPC of Bhutan, 2001
29	Authorized officers may enter premises, make seizures ⁴ and take samples wherever the operations referred to in this section are being carried out and such operations may be carried out in accordance with the Civil and	DRA & RBP	On receipt of information/complaint, the RBP shall obtain arrest and search Warrants when details are available and if time permits. Then conduct the search of the premises and make

⁴ RBP: Royal Bhutan Polcie

	Criminal Procedure Code of Bhutan.		seizure. Samples may be taken as per the Procedure Laid down under section 185 of the CCPC.
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31	Special provisions: Carriage of limited quantities, as specified in the Rules and Regulations by any international conveyance in the First-Aid Kits and for emergencies shall not be considered as a contravention under the provisions of this Act.	DRA& BNCA	
32	Exceptionally, and notwithstanding any provision of this Act. The board may authorize import of narcotic drugs and psychotropic substances to meet a public emergency.	NCB	
33	The possession by international traveler of patients of small quantities of preparations containing narcotic drugs and psychotropic substances for personnel use shall be permitted, provided that it is established that the preparations have been obtained under prescription from a registered and qualified medical practitioner and do not exceed the quantity mentioned in the prescription.	DRA,MTI	Clear cut instructions need to be issued for proper monitoring at the entry & exit points. Since the article refers to the mere Possession of small amount of Narcotic drugs and psychotropic Substances by international travelers and doesn't involve any trading activities, the Ministry of Trade and Industry may not be the right agency in such cases.
34	Use of controlled substances in industry for purpose other than medical or scientific is permitted provided that the licensee;		
a)	Ensure by appropriated methods of denaturing or by other means that the drugs so used are not liable to be abused or have ill effects and that the harmful substances cannot in practice be recovered; and	DRA&MTI	The Ministry will allow the use of Controlled substances in industries only upon recommendation by the competent authority.
b)	Includes in the statistical information furnished ⁵ by them amount of each drug so used.		
35	Educational measures: The Royal government shall ensure that individual citizen particularly young people are:		

⁵ NCB: Narcotic Control Board

<p>a)</p> <p>b)</p> <p>c)</p> <p>d)</p>	<p>Informed and educated on the dangers of substances abuse through traditional institutions of family, educational institutions, local and religious community, as well as through effective awareness campaigns.</p> <p>Provided with preventive support and protection through those institutions.</p> <p>Provided with life skills educations so they can better understand themselves and choose against drug abuse including through religious and moral education programmes.</p> <p>Enable to reduce the risk of drugs abuse through early detection and counseling services.</p> <p>Provided with alternative recreational activities and other useful vocational opportunities to promote social integration.</p>	<p>MoE</p> <p>Dept. of Public & Civil Society</p>	
<p>36</p>	<p>Treatment and rehabilitation Early Detection and Diagnosis: The Board Shall ensure the establishment institutions with adequate and appropriate facilities for early detection of drugs users with special focus on high-risk individuals. These institutions may includes mobile camps and out- reach services with appropriate testing facilities.</p>	<p>Parents & Guidance, DMS & DSE , RBP</p>	<p>The RBP shall carry out random drug testing of suspects by using testing facilities to detect and diagnosis the drug users. If tested positive for ingestion of drugs the suspects shall be arrested and charge sheeted to the court.</p>
<p>37</p>	<p>Treatment and Rehabilitation: The Board shall ensure the establishment of institutions with ⁶adequate and appropriate</p>	<p>MoH& MoE</p>	<p>If the Treatment and Rehab centre is</p>

⁶ MoE: Ministry of Education
DMS: Department of Medical Services
DSE: Department of School Education

	facilities for treatment and rehabilitation services for drug dependent persons and users as approved treatment centers for the purposes of this Act. The quality and range of services offered by such institutions shall be reviewed from time to time by a committee constituted by the Board for the purpose.	RBP, NGO	under the RBP, the Police shall guard inmates from escaping from treatment and rehabilitation centres. Provide escorts whenever the inmates have to move to and fro from the centres.
38	The board shall ensure the provision for treatment, rehabilitation and social reintegration of drug dependent persons. Such provision shall include psychotropic interventions, counseling and detoxification.	MOH , MoE, MTI&MoHLR	The provision for treatment, rehabilitation including counseling and detoxification
39	The Board shall ensure staffing of such institutions with adequate and appropriate personnel to deliver quality services and care.	NCB&RCSC	Adequate staffing for the treatment centers
40	The Board shall establish a treatment assessment panel for the purpose of this Act. The panel shall consist of at least 3 persons appointed by the Board of which one shall have legal qualifications and experience and the others knowledge of the medical, psychosocial and other problems connected with drug abuse and addiction.	Treat assessment panel	Establish a treatment assessment panel
41	The board shall constitute committees to maintain quality, standard and range of services offered by such institutions and these shall be reviewed from time to time for effective delivery of services.	Treatment & Rehabilitation Committee	
42.	Voluntary Submission for Treatment: Notwithstanding section 161 of the Civil and Criminal Procedure Code of Bhutan, any person who has committed an offence only against section 500 of the Penal Code of Bhutan shall not be prosecuted for that offence or identified to the public, provided the person	Approved Treatment Centre & family	

	voluntarily present to an approved treatment center before being arrested or charged for that offence and then undertakes and successfully completes the treatment without committing any further offence.		
43	Treatment Charged Only for Possession for Personal use: Notwithstanding section 202 of the Civil and Criminal Procedure ⁷ Code of Bhutan, where a person has been charged only with an offence against section 500 of the Penal Code of Bhutan, the court before which the person has been charged shall as soon as practicable after arrest, order the person to report to an approved treatment center. If the person undertakes and successfully completes the treatment without committing any further offence, the court may allow the prosecution to be withdrawn.	RBP/OAG Court & approved treatment centre	The RBP shall submit the charge sheet to the court and submit a written request to that court to invoke section 43 of this Act and send the suspect for treatment pending the trials. If the suspects fulfill the condition set out in this section, submit a written request to the court for the withdrawal of prosecution. If the conditions are not fulfilled, make a written submission to the court to that effect and proceed with the prosecution of that suspect.
44.	Treatment, if Charged with Other Offences: Where the court finds any offence other than an offence against section 500 of the Penal Code of Bhutan proved against any person and the court considers that the person may have been under the influence of a narcotic drug or psychotropic substances at the time of the offence or motivated to commit the offence by a desire either to use the substances or obtain resources to enable its use the court may order that the person submit for assessment by a treatment assessment panel designated by the Court and comprising such member as prescribed by Rules and Regulations .	RBP/OAG Court. Approved centre & Treatment assessment panel	The suspect shall be charge sheeted and prosecuted. At the end of the trial if the court orders the suspect for assessment by panel, then the police shall render necessary escort services for executing the order.
45	Where the panel recommends that the person	Court, Approved	

⁷ MoLHR: Ministry of Labour and Human Resources
RCSC: Royal Civil Services Commission
OAG: Office of the Attorney General

	undergo treatment at an approved treatment center, the Court may order that the persons, during two years of such shorter period as the Court may specify, submit himself or herself to the treatment specified in the order, or for the other treatment as directed from time to time by the panel. The Court may specify conditions relating to the supervision of the person, including attendance before a panel for review and evaluation of treatment and progress.	Centre & Treatment Assessment panel	
46	Suspension from Penal Sanctions: Where an order has been made under section 44 and the person promised to undertake and complete the treatment, the Court may at the same time also order that any or all penalties and sanctions imposed in respect of the offence be suspended.	OAG, RBP Court	<p>Upon receipt of intimation from the Dealing Police Station, the Narcotic Drugs Law Enforcement Unit shall notify to all Police Stations in the country about the Suspended sentences and the need to report to the NDLEU if the suspect commits any further offence in their jurisdictions during two years of suspended sentence.</p> <p>The RBP shall cross check with the treatment centre and confirm if the suspect has undergone and completed the treatment as per the court order.</p> <p>Once such information are gathered as such, submit reports to the court to that effect.</p>
47.	Discharge of Penal Sanctions: Where a person completes treatment ordered under section 44 to the satisfaction of a panel and commits no further offence of any description within two years from the date of his or her conviction, any penalties or sanctions made by the Court in respect of the offence may be discharged by order if Court is satisfied that it is in the public interest to make such an order. The Court shall not make such an order	Court and Treatment Assessment Panel&RBP	The NDLEU of the RBP shall cross check with all the Police Stations in the country, if the accused, whose sentence was suspended committed any further offence in their respective jurisdictions during the last two years of his/her suspended sentence from the date of his or her conviction.

	unless it is also satisfied, following consideration of the report of a panel, that the person is fit to return to everyday responsibilities and functions.		The NDLEU shall then intimate such export to the penal for further submission to the dealing court .
48.	Revocation of Suspension Orders: Where the person does not complete the course of treatment as ordered to the satisfaction of the panel, the Court may on the recommendation of the panel, revoke the order of suspension made under section 46.	Court and Treatment Assessment Panel	
49	In that event, time spent in treatment shall count as time towards the discharge of any relevant penalty or sanction orders made under this or any other law.	Court	
50.	Offences in Relating to Treatment Orders: Any person who, without reasonable excuse refuses or fails or comply with a treatment order, to inform the person in charge of a treatment center attended by the person pursuant to such an order of any change in the person's address, to appear before a panel as ordered, or to attend a treatment center for assessment or treatment as ordered, commits an offence.	Court &TAP	
51	A drug dependent person who submits voluntarily and released temporarily from center, shall be provided with after care, follow-up treatment and supervision.	Approved Treatment Centre, RBP and family	Upon the receipt of notification from the treatment centre regarding temporarily release of a person who had submitted voluntarily, the NDLEU of RBP shall coordinate with the concern local Police Station to discreetly conduct surveillance over that person to confirm that he/she is not indulging in drugs any further.
52	This Act shall considering a drug dependent person as a victim of unfortunate circumstances be provided with the option to avail treatment, rehabilitation and social reform or criminal charges and confinement.	Court & RBP	The RBP shall arrest, detain, investigate and charge sheet the suspect to the court and execute the court orders passed after the suspect has exercised the options.

53	A drug dependent person who escapes and recommit an offence for the second time shall be put to stricter charges and confinement.	Court & RBP	<p>Upon the receipt of notification regarding escapes from the concerned Detention Centres/Prisons and treatment centres, the NDLEU of RBP shall intimate about it to all the Police Stations in the country.</p> <p>In the event such a person recommit an offence, the RBP shall mention track records of that person in the charge sheet and request the court, upon conviction, to sentence that person to stricter confinement under this section.</p>
58	<p>Legal Custody: A drug dependent person or drug user shall be deemed to be in legal custody:</p> <p>a) While he is confined in or is being taken to or from, an approved institution;</p> <p>b) While he is for any other reason outside an approved institution; or</p> <p>c) While he is being taken to any place to which he required or authorized under this Act to be taken, or is kept in custody in pursuance of any such requirement or authorization</p>	Court & RBP	Role not required, it is a rule of Construction RBP role not to be specified.
70	<p>Enforcement measures. Search, Seizure. Arrest and Detention: Any authorized official shall have the powers to search, seize, arrest and detain in accordance with the provision of the Civil and Criminal Procedure Code of Bhutan in respect of offences against this Act and relevant offences of the Penal Code of Bhutan.</p>	RBP, DRC, DRA & BNCA	<p>Modalities need to be spelt out clearly if the controlled substances are seized at the entry & exit points.</p> <p>Search without warrant. The RBP shall conduct search without warrant under sections 176, 177, 178 and 179 of CCPC when it is not expedient to obtain search warrants under given circumstances</p>

			<p>Search with warrant. The RBP shall conduct search with Warrant under sections 168, 169, 170, 171, 172, 173, 174 and 175 of CCPC when it is expedient under the given circumstances to obtain search warrants.</p> <p>Seizure. The RBP shall seize the incriminating materials found during search under sections 180, 181 and 182 of CCPC for evidence.</p> <p>Arrest. The RBP shall invariably arrest suspects without arrest warrants under section 165 (f) of CCPC, as no arrest warrant is required for suspects dealing in harmful drugs under that section.</p> <p>Detention. The RBP shall produce the suspects Before a court within 24 hours of the arrest exclusive of the time necessary for the journey from the place of arrest and the Government holidays under section 188 .1 of the CCPC and obtain remand under section 186 of CCPC of Bhutan.</p>
71	No woman shall be searched under this Act except by a woman and if that is impossible, in the presence of a woman.	RBP	Wherever and whenever possible, the RBP shall deploy its lady constables to conduct the searches for women suspects as is even mandated under section 171.5 of the CCPC which states that whenever it is necessary for a women to be searched, another women shall make the search with strict regard

			to decency. Wherever women constables are not available, men constables will conduct the search with strict regard to decency in the presence of a woman as mandated under section 171.5 of the CCPC.
72	<p>Sample-Taking of Seized Substances: Samples shall be taken by the authorized officials of any seized substances as prescribed under the Rules and Regulations. The authorized officials shall ensure that all materials evidence relating to the seizure is collected and processed, and that all items of evidentiary value are stored in secure and appropriate conditions for the prevention of loss, theft or any other form of misappropriation.</p>	RBP, DRC, DRA&BNCA	<p>The Police shall ensure that the sample of Narcotic Drugs taken for test or analysis are appropriately packed, fastened, sealed, stored and transported .</p> <p>When Police takes a sample for the purpose of test or analysis from a sales premise, the Police shall divide the sample into four portions or take four containers and effectively seal the same.</p> <p>The Police shall treat the four portions of sample as under: The Police shall hand over one portion to the person from whom the sample was taken; One portion shall be sent to the Government Analyst for analysis. One portion shall be kept in custody to be produced to the Court if the prosecution is launched; and The last portion shall be kept in custody to be sent to Appellate Laboratory, if an appeal is launched.</p>
73	<p>Confiscation: The Court may order confiscation of any property derived directly or indirectly through the commission a criminal offence against this Act or a relevant offence in the Penal Code of Bhutan and of any instrumentality used in the commission of such offence.</p>	-do-	The RBP shall carry out a thorough investigation of any property derived directly or indirectly through the commission of criminal offence against this Act or a relevant offence in the Penal Code of Bhutan and of any instrumentality used in the commission

			of such offence and submit report to the court along with the charge sheet or during the trial. The RBP may request for attachment of such property or freezing of bank accounts under sections 63 and 64 of CCPC.
74	Forfeiture: The Court may order the forfeiture of any property, which has been seized if it is satisfied that the property directly or indirectly represents any person's proceeds or is intended by any person for use in illicit trafficking.	-do-	The RBP shall forward all the seized Items to the court for forfeiture.
75	In case of forfeiture of property seized under this Act, the forfeiture officer shall forthwith give notice in writing of the forfeiture to the owner. However, the notice shall not be required to be given when forfeiture is made in presence of the offender or the owner or his agent, or in case of conveyances in presence of the owner, master, captain or driver thereof.	-do-	No Police role.
76	Any person having an interest in any property ordered to be forfeited under section 74 may apply to the Court within 49 days of the giving of notice under section 75 for an order discharging or varying the forfeiture order to protect his interest in the property. The Court may make such an order if it is satisfied that the applicant did not know and had no reason to suspect that the property directly or indirectly represented any person's proceeds or was intended by any person for use in illicit trafficking.	-do-	No Police role.
77	Disposal: The drugs and precursors seized or confiscated or forfeited under the provisions of this Act shall be disposed off in the presence of the members of the Narcotic Control Board and/or the officials of the authorised agencies.	DRA&NCB	

78	Disposal may include using such drugs to meet the health care needs of Bhutan, provided the drug is one listed in Schedules II or III.	DRA	
79	Anything, other than drugs that are forfeited under this Act shall be disposed in such manner as is considered appropriate by the Board on cash-by-case basis as per the prevailing rules of the Royal Government.	DRA & NCB	
80	Unless conservation of the entire seizure of drugs and precursor is essential for the purpose of trial and any appeal, the Court shall order disposal of the bulk as soon as possible after seizure.	DRA & BNCA Court	
81	<p>Controlled Delivery and Undercover Operations:</p> <p>Authorized agencies upon approval shall take necessary measures to allow for the appropriated use of controlled delivery and undercover operations within Bhutan, and at the international level on the basis of the agreement or arrangements mutually consented to, with a view to identifying persons involved in the offences under this Act and gathering appropriate information and evidence to take action against them.</p>	RBP, DRC, DRA BNCA	<p>Depending on request made by the other agencies</p> <p>Invoking the powers given under this section, the Narcotic Drugs Law Enforcement unit of RBP shall build up an effective network of undercover police persons in all the Police Stations in the country to monitor the chain of delivery of Narcotic Drugs consignments in order to bring maximum number of suspects to justice through gathering of appropriate information and evidence.</p> <p>The RBP shall keep close contacts with the Police in other countries through INTERPOL and SAARCPOL to keep track of the drug cartels and peddlers and take joint actions at appropriate times.</p>
82	Controlled delivery and undercover operations		The RBP shall identify severe cases of

	shall be made on case-by-case basis taking into consideration, where relevant, the financial arrangement and understandings with respect to the exercise of jurisdiction by the countries concerned.	-do-	Drug dealers which has networks in several countries and coordinate with the Police organizations of the country concerned for undertaking several and joint operations within their respective jurisdictions.
83	Illicit consignment whose controlled delivery is agreed to may, with the consent to the continue with the narcotic drug, psychotropic substance or precursor intact or removed or replace in part.	-do-	The Narcotic Drugs law Enforcement Unit of Royal Bhutan Police shall closely coordinate with the Police organizations of the concern countries for interception and effective surveillance thereafter to reveal the involvement of drugs delivery syndicates in the concerned countries and bring maximum number of drug dealers to justice through joint operations.
84	Protection and Remarks: In case of serious nature or when required for the security and sovereignty of the country, no witness in any criminal proceedings shall be obliged to disclose the name and address of any informant or undercover agent.	Court	
86	This section should not apply to any person whose duties related ⁸ to the administration or the enforcement of this Act.	BNCA	
87	Drug related money laundering regulatory measures: The board may order appropriate measures to control and prevent the laundering of proceeds of crime including illicit trafficking.	RMA, NCB	
88	The Board may propose to the Royal Government such measures as establishing a Drug Intelligence Unit and establishing legal mechanisms to identify, trace, freeze, seize, confiscate or forfeit the proceeds of crime whether located in Bhutan or Board.	CCM, NCB	
89	The Board may direct Royal Monetary Authority or Central Bank to furnish or share information		

⁸ NCB: Narcotic Control Board

	on fictitious and suspicious transactions on money to facilitate investigation of suspected drug related money-laundering cases, to verify customer identity, establish and maintain internal reporting procedures, and train staff to recognise and report to the competent authority on any suspected money-laundering.	NCB, RMA	
90	<p>Regulatory and criminal offences Non Compliance with Licence Manufacture, production, sale, export, import, storage, distribution, transportation, transshipment of narcotic drugs and psychotropic substance for medical and scientific purpose in contravention of the terms or conditions of a license shall be liable to cancellation of the license and seizure of goods or a fine equivalent to a national daily wage for a maximum of 5 years, or both.</p>	MTI, DRA, RBP and judiciary	<p>MTI shall cancel the commercial license It has issued, once it has been established that contravention of the terms and conditions of the license has taken place. Such investigation shall be conducted by the competent authority and a report along with recommendations shall be provided to the concern agency for necessary action.</p> <p>Actions under this section may be initiated at the instance of any of the concerned agencies i.e BNCA,MTI, DRA , Narcotic Drugs Law Enforcement Unit of RBP and local police. Once the action is initiated all the cited agencies will converge to conduct joint actions and investigations.</p> <p>Then the police shall charge sheet the case to the court.</p>
91	<p>Record keeping Failure: Not keeping records of quantity, date, supplier and recipients and manufacture and quantities held in stock shall be liable to cancellation of the licence, and seizure of goods or a fine equivalent to a national daily wage for a maximum of one year.</p>	DRA,MTI, BNCA & Judiciary	<p>In such cases, the MTI shall revoke the Commercial license issued earlier upon receiving notification from the concerned authority on the matter. However, such notice shall be accompanied by reasonable justification from the competent authority.</p>

92	Not maintaining records of statistical returns of production ⁹ or manufacture of drugs, utilization of drugs for the manufacture of other drugs, consumption of drugs, imports and exports of drugs, seizure drugs shall be liable to cancellation of the licence and seizure of goods, or a fine equivalent to a national daily wage for a maximum of two years.	MTI, DRA, RBP and BNCA Court	<p>MTI shall cancel the commercial license it has issued, once it has been established that contravention of the terms and conditions of the license has taken place. Such investigation shall be conducted by the competent authority and a report along with recommendations shall be provided to the concern agency for necessary action.</p> <p>Actions under this section may be Initiated at the instance of any of the concerned agencies i.e BNCA,MTI, DRA , Narcotic Drugs Law Enforcement Unit of RBP and local police. Once the action is initiated all the cited agencies will converge to conduct joint actions and investigations.</p> <p>Then the Police shall charge sheet the case to the court.</p>
93	<p>Packaging and labeling failure: Not indicating warning and indications on the packages, labels and the accompany leaflet of any packages of the controlled drugs shall be liable to seizure of the goods or a fine equivalent to a national daily wage for a maximum of one year.</p>	DRC, DRA&RBP	<p>Actions under this section may be initiated at the instance of any of the concerned agencies i.e BNCA,MTI, DRA , Narcotic Drugs Law Enforcement Unit of RBP and local police. Once the action is initiated all the cited agencies will converge to conduct joint actions and investigations.</p> <p>Then the Police shall investigate and charge sheet the case to the court.</p>
94	<p>Illicit precursor trafficking A defendant shall be guilty of the offence of illegal transaction of controlled substances, if</p>	RBP, DRC, DRA & MTI	The Police shall investigate and charge sheet the case to the court.

⁹ CCM: Counsel of Cabinet Ministers

	the defendant unlawfully, imports, exports, sells, purchase or transports any precursor.		<p>While the article clearly mentions about the illegal transaction, the Ministry of Trade and Industry would like to mention Here that all third country imports will be guided by the “Rules and Procedures the Imports form Third Countries,2002.</p> <p>However, any retail and wholesale trade Of such controlled substances will be regulated by the “Bhutan Micro, Retail, Wholesale Trade regulation,2006”.</p>
95	<p>Illicit activities involving equipments and materials: A defendant shall be guilty of an offence, if the defendant manufactures transports or distributes any equipment or material knowing that it is to be use in or for the unlawful cultivation, production or manufacture of drugs.</p>	RBP, DRC&DRA	<p>The NDLEU and the local Police shall use the networks of under cover police persons to detect the cases of manufacturing , transporting, distributing of equipments or materials intended to be used for unlawful cultivation, production or manufacture of Narcotic drugs and charge sheet the persons involved to the court under section 496 of Penal Code of Bhutan.</p>
96	<p>Money Laundering: A defendant shall be guilty of the offence of money laundering if the defendant knowingly uses any proceed of crime.</p>	RMA,OAG/ RBP	<p>The NDLEU and the local Police shall use the networks of under cover police persons to detect the cases of Money Laundering of Narcotic Drug related cases and charge sheet the case to the court under section 277 of Penal Code of Bhutan.</p>
97	<p>Prohibition of the Cultivation of Plants in Schedule I: Cultivation of opium poppy and coca bush shall be an offence.</p>	RBP&BNCA	<p>The NDLEU and the local Police shall use the networks of under cover police persons to detect the cases of cultivation of opium poppy and coca bush and</p>

			charge sheet the case to the court under section 496 of Penal Code of Bhutan
98	Cultivation and domestication of cannabis shall be an offence. Harvesting or collection of cannabis shall be prohibited, except for production of fibre and animal feed.	RBP & BNCA	The NDLEU and the local Police shall use the networks of under cover police persons to detect the cases of cultivation and domestication of cannabis and charge sheet the case to the court under 496 section of Penal Code of Bhutan.
99	The owner, operator, or occupier, under whatever title, of land for agricultural or other use shall be required to destroy any opium poppies, coca bushes or cannabis plants found growing there.	RBP, BNCA, MoA & Land Owner	The local Police shall request the concerned Court to issue order under this section to the owner, operator or occupier under whatever title, to destroy any opium poppies, coca bushes or cannabis plants found growing there. Such court orders will be executed under the supervision of representatives from Local Government and Police. If the court order is not complied with, the report to that effect will be made to the court by the local Police and request the court to punish the non-complier for civil contempt under section 107 of CCPC of Bhutan.
100	Solicitation to Unlawfully Use Drugs or Controlled Substances: Solicitation by coercion or duress to unlawfully use any drug of controlled substance shall be an offence	RBP&OAG	The local Police shall charge an accused for solicitation of unlawful use of Drugs or Controlled Substances under section 100 of this Act read with sections 126 and 500 of Penal Code of Bhutan.
101	Unauthorised Advertising: Advertisement of controlled drug to the public without authorization shall be an offence.	BNCA	
102	Aggravation Circumstances: In determining the nature and extent of any penalty to be ordered in relation to any person convicted of an offence against this Act and the Penal Code of Bhutan, the Court shall take into	MoH, MoE, RBP, D RA, DRC, BAFRA, MTI, OAG,	The local Police shall investigate and reflecting the charge sheet if any aggravating circumstances enumerated under this section prevailed in a given case to enable the court toward

¹⁰ RBG: Royal Body Guard
RBA: Royal Bhutan Army

	<p>account whether:</p> <p>a) The convicted offender belonged to an organized criminal syndicate, participated in other illegal activities facilitated by the offence; used violence or arms; committed the offence in the exercise of a public office or public duty; added any substance to the drugs which aggravated their danger to a user; or made use or took advantage of a minor or mentally handicapped person in committing the offence.</p> <p>b) The offence was committed by a health professional or person responsible for combating drug abuse or traffic; in a teaching or educational institution, a hospital or care¹⁰ institution, a social service facility or in other places to which school children or students resort for educational, sports or social activities, or in the immediate vicinity of such establishments and premises; in a penal institution or a</p> <p>c) The drug was supplied or offered to a minor, a mentally handicapped person or a person undergoing treatment, or when the use by such a person was facilitated.</p>	<p>BNCA, RBG & RBA</p>	<p>enhanced punishments under this section read with the relevant sections of laws under which an accused is indicted(charged).</p>
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