

On Narcotic Drugs, Psychotropic Substances, their analogues and precursors and counter measures of their illegal turnover and their abuse

Unofficial translation

The Law of the Republic of Kazakhstan dated 10 July 1998 No. 279.

Unofficial translation

Footnote. Title of the Law is in the wording of the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

This Law regulates legal grounds of the state policy in the scope of turnover of narcotic drugs, psychotropic substances, their analogues and precursors and establishes counter measures of their illegal turnover for the purpose of rendering of narcological assistance and health protection of citizens, public and state security.

Footnote. The Preamble as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

Chapter 1. GENERAL PROVISIONS Article 1. Basic definitions

The following basic definitions shall be used in this Law:

- 1) retail trade – sale of narcotic drugs, psychotropic substances and precursors by the piece or in small amounts for personal consumption on prescription;
- 2) narcotics – plants, substances or preparations classified as narcotic drugs, psychotropic substances, their analogues representing potential danger to health of population due to consequences that may be caused by their abuse included into the List of narcotic drugs, psychotropic substances and precursors subjected to control in the Republic of Kazakhstan;
- 3) narcotic drugs – substances of synthetical or natural origin included into the List of narcotic drugs, psychotropic substances and precursors subjected to control in accordance with the legislation of the Republic of Kazakhstan, Single Convention on Narcotic Drugs 1961 with amendments made in accordance with the Protocol, 1972 Amending the Single Convention on Narcotic Drugs, 1961;
- 4) List of substituted hydrogen atoms, halogens and/or hydroxyl groups in the structural formulas of narcotic drugs, psychotropic substances - the list of monovalent or divalent atoms or groups of atoms determined by the forensic authorities;
- 5) ensuring standard of narcotic drugs, psychotropic substances and precursors (hereinafter – standard ensuring) – quantity of particular narcotic drugs, psychotropic substances and precursors permitted to legal entities for sale in the territory of the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan;

6) turnover of narcotic drugs, psychotropic substances and precursors – types of activity permitted and controlled in accordance with the legislation of the Republic of Kazakhstan, linked with cultivation, gathering and procurement of narcotic plants, development, production, processing, import, export, transit, carriage, transmission, acquisition, storage, distribution, sale, use, destruction of narcotic drugs, psychotropic substances and precursors;

7) authorized state body in the scope of turnover of narcotic drugs, psychotropic substances, their analogues and precursors – body that shall form and coordinate implementation of the state policy in the scope of turnover of narcotic drugs, psychotropic substances, their analogues and precursors within the competence provided to it;

8) import and export of narcotic drugs, psychotropic substances and precursors – transfer of narcotic drugs, psychotropic substances and precursors from one state to another;

9) manufacture of narcotic drugs, psychotropic substances and precursors – all the processes with the exception of production, with the help of which the narcotic drugs, psychotropic substances and precursors may be produced, as well as transformation of narcotic drugs, psychotropic substances and precursors to other narcotic drugs, psychotropic substances and precursors;

10) illegal turnover of narcotic drugs, psychotropic substances, their analogues and precursors – turnover of narcotic drugs, psychotropic substances, their analogues and precursors carried out with the breach of the legislation of the Republic of Kazakhstan;

11) production of narcotic drugs, psychotropic substances and precursors – process oriented to serial production of narcotic drugs, psychotropic substances and precursors from chemical substances and (or) plants or from other narcotic drugs, psychotropic substances and precursors;

12) processing of narcotic drugs, psychotropic substances and precursors – actions in the result of which the refinement (clearing from foreign matters), increase of concentration of narcotic drugs, psychotropic substances and precursors in a preparation, as well as production of the substances on their basis that are not narcotic drugs, psychotropic substances and precursors;

13) use of narcotic drugs, psychotropic substances and precursors – target applying of narcotic drugs, psychotropic substances and precursors;

14) transfer and transmission of narcotic drugs, psychotropic substances and precursors – ant actions on transfer of narcotic drugs, psychotropic substances and precursors within the Republic of Kazakhstan independently from the method of transportation and storage area;

15) the standard of consumption of narcotic drugs, psychotropic substances and precursors (hereinafter referred to as the standard of consumption) shall be the number of some narcotic drugs, psychotropic substances and precursors required for consumption by specific legal entities, declared to the authorized state body in the field of circulation of narcotic drugs, psychotropic substances, their analogues and precursors in accordance with the legislation of the Republic of Kazakhstan;

16) transit of narcotic drugs, psychotropic substances and precursors – transfer of narcotic drugs, psychotropic substances and precursors from one state to another through the territory of the third state;

17) abuse of narcotic drugs, psychotropic substances and precursors, their analogues (illegal consumption of narcotic drugs, psychotropic substances, their analogues) – intended illegal consumption of narcotic drugs, psychotropic substances, their analogues without prescription;

17-1) analogues of narcotic drugs, psychotropic substances - chemicals not included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan, the structural formulas of which shall be formed by replacing one or more hydrogen atoms, halogens and (or) hydroxyl groups in the structural formulas of narcotic drugs, psychotropic substances with their substituents;

18) Summary table on the classification of narcotic drugs, psychotropic substances, their analogues and precursors found in illegal trafficking as small, large and especially large - a list of types of narcotic drugs, psychotropic substances, their analogues and precursors with established sizes (small, large, especially large), which shall be determined by forensic authorities and subsequently shall be the basis for administrative or criminal liability;

19) wholesale sale – sale of large shipment of narcotic drugs, psychotropic substances and precursors;

20) List of narcotic drugs, psychotropic substances and precursors to be controlled in the Republic of Kazakhstan - a list of narcotic drugs, psychotropic substances and precursors to be controlled in the Republic of Kazakhstan, numbered and combined into the corresponding tables and list on the basis of international conventions;

21) cultivation of plants containing narcotic drugs – sowing and growth of opium poppy and hemp (cannabis), other narcotics plants included into the List of narcotic drugs, psychotropic substances and precursors subjected to control in the Republic of Kazakhstan in accordance with the international conventions;

22) collection of plants containing narcotic drugs, psychotropic substances - collection of wild-growing or cultivated narcotic-containing plants included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan, in accordance with international conventions;

23) specialized medical and preventive treatment facilities – the institutions (centres, hospitals, dispensaries, departments or cabinets) that shall render narcological assistance in the manner established by the Law;

24) compulsory treatment - inpatient treatment of a person with a mental, behavioral disorder (disease) associated with the use of psychoactive substances, carried out on the basis of a court decision when evading voluntary treatment or continuing non-medical use of narcotic drugs, psychotropic substances, their analogues;

25) medical certification – ambulatory examination of a person for the purpose of establishment of condition of drug intoxication;

26) avoidance from medical certification, medical survey or treatment – intended non-performance of ordinance of an employee of law enforcement bodies in respect of medical certification or survey, and equally non-performance of prescriptions and recommendations of a doctor by a person abusing narcotic drugs, psychotropic substances, their analogues;

27) excluded by the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication);

28) excluded by the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication);

29) excluded by the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication);

30) voluntary treatment - treatment of mental, behavioral disorders (diseases) associated with the use of psychoactive substances, carried out with the consent of the patient or his legal representative;

31) precursors – substances used upon production, manufacturing, processing of narcotic drugs, psychotropic substances, their analogues included into the List of narcotic drugs, psychotropic substances and precursors subjected to control in the Republic of Kazakhstan in accordance with the legislation of the Republic of Kazakhstan, international treaties of the Republic of Kazakhstan, as well as UN Conventions against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988;

32) drugs - a mixture of substances in any physical condition containing one or more narcotic drugs, psychotropic substances or precursors included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan;

33) psychotropic substances – substances of synthetical or natural origin included into the List of narcotic drugs, psychotropic substances and precursors subjected to control in accordance with the legislation of the Republic of Kazakhstan, international treaties of the Republic of Kazakhstan, as well as Convention on psychotropic substances, 1971;

33-1) substituents of hydrogen atoms, halogens and/or hydroxyl groups - monovalent or divalent atoms or groups of atoms used in the manufacture of analogues of narcotic drugs, psychotropic substances and included in the List of substituents of hydrogen atoms, halogens and/or hydroxyl groups in structural formulas of narcotic drugs, psychotropic substances;

34) authorized bodies – state bodies that shall carry out the state control of turnover of narcotic drugs, psychotropic substances, their analogues and precursors within the competence provided to them in accordance with the legislation of the Republic of Kazakhstan;

35) substance abuse – abuse of medicinal preparations and non-medical substances of different nature causing psychoactive effect similar to effect of narcotic drugs, psychotropic

substances, their analogues and not included into the lists of republican legislative acts of the Republic of Kazakhstan and international conventions.

Footnote. Article 1 is in the wording of the Law of the Republic of Kazakhstan dated 02.03.2006 № 130 (shall be enforced from the date of official publication); as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 27.12.2018 № 205-VI (the procedure of entry into force see Article.2); dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 2. Classification of narcotic drugs, psychotropic substances, their analogues and precursors subjected to control in the Republic of Kazakhstan

1. Narcotic drugs, psychotropic substances and precursors shall be included into the List of narcotic drugs, psychotropic substances and precursors subjected to control in the Republic of Kazakhstan. The list of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan consists of four tables and a list. The table I contains narcotic drugs, psychotropic substances, the circulation of which in the Republic of Kazakhstan shall be prohibited in accordance with the legislation of the Republic of Kazakhstan and international UN conventions of 1961 and 1971, with the exception of cases provided for by Articles 18, 19 and 20 of this Law.

Schedule II shall include narcotic drugs, psychotropic substances the turnover of which is restricted and is under strict control in accordance with the legislation of the Republic of Kazakhstan and international UN Conventions, 1961 and 1971.

Schedule III shall include narcotic drugs, psychotropic substances, the turnover of which is under control in accordance with the legislation of the Republic of Kazakhstan and international UN Conventions, 1961, 1971.

Schedule IV shall include precursors, the turnover of which is under control in accordance with the legislation of the Republic of Kazakhstan and UN Convention, 1988.

The list of medical products containing narcotic drugs, psychotropic substances and precursors subjected to control in the Republic of Kazakhstan and permitted for application in veterinary medicine shall include medicinal preparations that may be used as diagnostic, medical and prophylactic products in existence of the relevant license.

1-1. The inclusion of a substance in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan shall be carried out on one of the following grounds:

upon receipt of recommendations from the UN International Narcotics Control Board;
in the presence of substance in lists, lists, tables of the drugs, psychotropic substances and precursors which shall be subject to control in the countries of the Eurasian Economic Union.

1-2. Classification of substances to analogues of narcotic drugs, psychotropic substances is carried out by conducting a forensic examination in the manner determined by the legislation of the Republic of Kazakhstan.

The subjects of forensic examination shall be the correlation of the structural formula of a substance with the structural formulas of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan, and the determination of the presence in this structural formula of one or more substituent hydrogen atoms, halogens and (or) hydroxyl groups.

1-3. In the case of detection in circulation of a psychoactive substance not under the control of the International Narcotics Control Board of the UN and the countries of the Eurasian Economic Union, its classification as narcotic drugs, psychotropic substances and precursors shall be carried out in accordance with the Unified Convention on narcotic drugs of 1961, as amended in accordance with the 1972 Protocol on amendments to the 1961 Unified Convention on narcotic drugs.

2. In respect of preparations, the types of control which are established in respect of narcotic drugs, psychotropic substances and precursors contained in them shall be provided. If the preparation contains not one but several narcotic drugs, psychotropic substances and precursors, the same control as to narcotic drug, psychotropic substance and precursor that shall be subject to stricter control measures shall be applied to it. Medicinal preparations that contain small amount of narcotic drugs, psychotropic substances and precursors and that represent unessential danger in case of their abuse and from which the mentioned drugs and substances may not be extracted by easily accessible ways shall not be subject to control in accordance with this Law.

The list of mentioned preparations, the procedure for their exclusion from control shall be approved by the Government of the Republic of Kazakhstan.

3. Analogues of narcotic drugs, psychotropic substances shall be subject to the same control measures as the narcotic drugs and psychotropic substances similar by structure and properties. Upon determination of sizes of analogues, the sizes of narcotic drugs and psychotropic substances, the analogues of which they are shall be applied.

Footnote. Article 2 is in the wording of the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); as amended by the Law of the RK dated 27.12.2018 № 205-VI (the procedure of entry into force see. Article.2).

Article 3. Legislation of the Republic of Kazakhstan on narcotic drugs, psychotropic substances, their analogues, precursors and counter measures of their illegal turnover and their abuse

1. Legislation of the Republic of Kazakhstan on narcotic drugs, psychotropic substances, their analogues, precursors and counter measures of their illegal turnover is based on the Constitution of the Republic of Kazakhstan and consists of this Law, other regulatory legal acts, as well as international treaties ratified by the Republic of Kazakhstan.

2. If the international treaties ratified by the Republic of Kazakhstan establish other rules than those provided in this Law, the rules of international treaties shall be applied.

Article 4. Basic principles of the state regulation of turnover of narcotic drugs, psychotropic substances, their analogues, precursors and counter measures of their illegal turnover and their abuse

State policy in the scope of turnover of narcotic drugs, psychotropic substances, precursors and counteraction of their illegal turnover shall be carried out on the principles of:

- 1) state control of activity in the scope of turnover of narcotic drugs, psychotropic substances, their analogues and precursors;
- 2) state regulation of turnover of narcotic drugs, psychotropic substances, their analogues, precursors and counteraction of their illegal turnover and their abuse;
- 3) licensing of the activity in the scope of turnover of narcotic drugs, psychotropic substances, their analogues, precursors;
- 4) interdepartmental and intradepartmental coordination of activity of state and other bodies;
- 5) comprehensive solution of tasks of organization and conduct of work oriented to suppression of illegal turnover of narcotic drugs, psychotropic substances, their analogues, precursors and their abuse;
- 6) ensuring the prevention of non-medical use of narcotic drugs, psychotropic substances, their analogues and related offenses;
- 7) expanding the social base for the prevention of non-medical use of narcotic drugs, psychotropic substances, their analogues and related offenses, including through voluntary involvement of public, religious, international and other organizations and citizens;
- 8) strengthening of international cooperation in the scope of control of turnover of narcotic drugs, psychotropic substances, their analogues, precursors, counter measures of their illegal turnover and their abuse.

Footnote. Article 4 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

**Chapter 2. STATE REGULATION AND ORGANIZATION OF ACTIVITY
IN THE SCOPE OF TURNOVER OF NARCOTIC DRUGS, PSYCHOTROPIC
SUBSTANCES, THEIR ANALOGUES, PRECURSORS AND COUNTERACTION
OF THEIR ILLEGAL TURNOVER AND THEIR ABUSE** Article 5. State regulation of turnover
of narcotic drugs, psychotropic substances, their analogues, precursors and counter measures of
their illegal turnover and their abuse

Footnote. Title of Article 5 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

1. State regulation of turnover of narcotic drugs, psychotropic substances, their analogues, precursors and counter measures of their illegal turnover and their abuse shall be carried out in accordance with this Law, other Laws of the Republic of Kazakhstan, decrees of the President of the Republic of Kazakhstan and regulations of the Government of the Republic of Kazakhstan.

The Government of the Republic of Kazakhstan shall approve the regulatory legal acts developed by the authorized state body in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors, in agreement with the relevant state bodies, regulating the procedure for the activities of legal entities participating in the turnover of narcotic drugs, psychotropic substances, precursors and countering their illegal trafficking and abuse.

1-1. The Government of the Republic of Kazakhstan shall approve those developed by the authorized state body in the field of drug trafficking, psychotropic substances, their analogues and precursors in agreement with the authorized authorities List of narcotic drugs, psychotropic substances and precursors to be controlled in the Republic of Kazakhstan, Summary table on the allocation of narcotic drugs, psychotropic substances, their analogues and precursors found in illegal trafficking, to small, large and especially large sizes and List of substituents of hydrogen atoms, halogens and (or) hydroxyl groups in the structural formulas of narcotic drugs, psychotropic substances, and also determines the procedure for their formation.

2. (Is excluded – № 327 dated 31.05.2002).

3. The authorized state body in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors performs the following main functions shall:

1) is excluded by the Law of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication);

2) is excluded by the Law of the Republic of Kazakhstan dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011);

3) organize carrying out of the state control of turnover of narcotic drugs, psychotropic substances and precursors and counter measures of their illegal turnover and their abuse;

4) assist health authorities in regulating activities in the field of trafficking in narcotic drugs, psychotropic substances, precursors and their abuse in organizing medical and social assistance to persons with mental behavioral disorders (diseases) associated with the use of psychoactive substances, and ensuring the guarantee of the rights and freedoms of citizens in its provision;

5) develop the List of narcotic drugs, psychotropic substances and precursors to be controlled in the Republic of Kazakhstan, the Summary table on the classification of narcotic drugs, psychotropic substances, their analogues and precursors found in illegal circulation, to

small, large and especially large sizes and the List of substituents of hydrogen atoms, halogens and (or) hydroxyl groups in the structural formulas of narcotic drugs, psychotropic substances;

6) forecast the scales of all the types of turnover of narcotic drugs, psychotropic substances and precursors jointly with authorized bodies of the Republic of Kazakhstan;

7) determine the standards of requirements of the state in narcotic drugs, psychotropic substances and precursors jointly with the authorized bodies;

8) control the process of development and implementation of narcotic drugs, psychotropic substances and precursors having smaller narcotic effect, more effective, less dangerous in comparison with existing;

9) represent the standard of requirements of the Republic in narcotic drugs, psychotropic substances and precursors to the Government for approval of international quotas for the Republic of Kazakhstan by the International UN Commission on control of narcotics;

10) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

11) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

12) coordinate the work of public organizations, associations whose activities shall be related to the prevention of non-medical use of narcotic drugs, psychotropic substances, their analogues;

13) carry out international cooperation in the scope of turnover of narcotic drugs, psychotropic substances, precursors and counteraction of their illegal turnover and their abuse ;

14) carry out licensing of the types of activity in the scope of turnover of narcotic drugs, psychotropic substances and precursors except for the types of activity linked with turnover of narcotic drugs, psychotropic substances and precursors in the field of public health service;

15) (is excluded – dated 2 March 2006 № 130 (shall be enforced from the date of official publication));

16) make proposals to the relevant bodies on bringing of individuals and legal entities to responsibility for violation of the legislative and other regulatory legal acts of the Republic of Kazakhstan, regulating the turnover of narcotic drugs, psychotropic substances and precursors ;

17) is excluded by the Law of the Republic of Kazakhstan dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication);

18) make submissions, prescriptions to the state bodies and other organizations on elimination of the breaches of the legislation of the Republic of Kazakhstan in the scope of turnover of narcotic drugs, psychotropic substances and precursors;

19) develop and implement the state policy jointly with the authorized bodies in the scope of turnover of narcotic drugs, psychotropic substances, precursors and counteraction of their illegal turnover and their abuse;

20) coordinate the fight against illicit trafficking in narcotic drugs, psychotropic substances, their analogues, precursors and their abuse, including using the data of the Earth remote sensing;

21) carry out state control of the activity of state bodies and other organizations in the scope of turnover of narcotic drugs, psychotropic substances, precursors;

22) carry out interdepartmental coordination of the activities of state and other organizations in the field of trafficking in narcotic drugs, psychotropic substances and precursors, as well as regional commissions to combat the drug business and prevent non-medical use of narcotic drugs, psychotropic substances, their analogues;

23) carry out attraction within the competence of investments, technical assistance and control of their intended use in the scope of turnover of narcotic drugs, psychotropic substances, precursors and counteraction of their illegal turnover and their abuse in accordance with the legislation of the Republic of Kazakhstan;

24) other powers provided by this Law, other Laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Footnote. Article 5 as amended by the Laws of the Republic of Kazakhstan dated 31.05.2002 № 327; dated 20.12.2004 № 13 (shall be enforced from 1 January 2005); dated 02.03.2006 № 130 (shall be enforced from the date of official publication); dated 05.07.2011 № 452-IV (shall be enforced from 13.10.2011); dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 13.01.2014 № 159-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 08.04.2016 № 490-V (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 27.12.2018 № 205-VI (the procedure of entry into force see. Article.2); dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 21.12.2022 № 167-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 6. State control of turnover of narcotic drugs, psychotropic substances, precursors and counter measures of their illegal turnover and their abuse

1. State control over the circulation of narcotic drugs, psychotropic substances, and precursors shall be carried out by an employee (employees) of the internal affairs bodies of

the Republic of Kazakhstan in the form of an inspection with a visit to the subject (object) of control.

The procedure for conducting an inspection with a visit to the subject (object) of control shall be carried out in accordance with Article 6-1 of this Law.

2. Authorized bodies of the Republic of Kazakhstan shall have the right to:

1) carry out the state control of turnover of narcotic drugs, psychotropic substances and precursors;

2) visit any premises independently from the forms of ownership used for turnover of narcotic drugs, psychotropic substances and precursors for the purpose of carrying out the state control in the scope of turnover of narcotic drugs, psychotropic substances and precursors;

3) inspect land plots on which plants containing narcotic substances included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan are cultivated;

4) conduct measures for the purpose of destruction of plants containing narcotic drugs specially created by subdivisions;

5) receive technical documentation characterizing the quality of narcotic drugs, psychotropic substances and precursors, as well as samples of mentioned production in technically substantiated quantities for conduct of their examination from the legal entities carrying out the activity linked with turnover of narcotic drugs, psychotropic substances and precursors;

6) issue orders on the elimination of identified violations in the sphere of trafficking in narcotic drugs, psychotropic substances, and precursors in accordance with the legislation of the Republic of Kazakhstan;

7) is excluded by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication);

8) make submissions to the relevant bodies on bringing of individuals and legal entities to responsibility for the violation of legislative and other regulatory legal acts of the Republic of Kazakhstan regulating the turnover of narcotic drugs, psychotropic substances and precursors.

Footnote. Article 6 is in the wording of the Law of the Republic of Kazakhstan dated 17.07.2009 № 188-IV (the order of enforcement see Article 2); as amended by the Laws of the Republic of Kazakhstan dated 06.01.2011 № 378-IV (shall be enforced upon expiry of ten calendar days after its first official publication); dated 29.12.2014 № 269-V (shall be enforced from 01.01.2015); dated 29.10.2015 № 376-V (shall enter into force on 01.01.2016); or 24.05.2018 № 156-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 27.12.2018 № 205-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 06.04.2024

№ 71-VIII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Article 6-1. The procedure for conducting an inspection with a visit to the subject (object) of control

1. Inspection over the turnover of narcotic drugs, psychotropic substances, and precursors shall be carried out by visiting the subjects (objects) of control.

2. An inspection with a visit to the subject (object) of control shall be carried out on the basis of:

1) operational and preventive measures carried out by the internal affairs bodies of the Republic of Kazakhstan;

2) control over the applicant's compliance with the qualification or permitting requirements for the issued license and (or) appendix to the license (hereinafter – verification of the applicant's compliance with the qualification or permitting requirements);

3) monitoring the execution of orders to eliminate identified violations based on the results of an inspection to determine the applicant's compliance with qualification or permitting requirements;

4) appeals from state bodies, individuals, and legal entities regarding specific facts of violations of the requirements established in the field of trafficking in narcotic drugs, psychotropic substances, and precursors.

3. An employee (employees) of the internal affairs bodies of the Republic of Kazakhstan, when conducting an inspection with a visit to the subject (object) of control, shall have the right:

1) of unimpeded access to the territory and premises of the subject (object) of control in accordance with the subject of inspection upon presentation of the documents specified in paragraph 9 of this Article;

2) to receive documents (information) on paper and electronic media or copies thereof for inclusion in the act on the results of the inspection with a visit to the subject (target) of control and an order on the elimination of identified violations, as well as an access to automated databases (information systems) in accordance with the subject of inspection, with the exception of information constituting state secrets and secrets protected by the laws of the Republic of Kazakhstan;

3) to carry out audio, photo and video filming;

4) to attract specialists, consultants and experts from state bodies, subordinate and other organizations.

4. Subjects of control, when conducting an inspection with a visit to the subject (target) of control, shall have the right:

1) not to allow an employee (employees) of the internal affairs bodies of the Republic of Kazakhstan who arrived to conduct an inspection to the inspection in the following cases:

absence of documents provided for in paragraph 9 of this Article;

exceeding or expiration of the deadlines specified in the act on the conduct of inspection with a visit to the subject (object) of control that do not correspond to the deadlines established by this Article;

to involve third parties to participate in the inspection in order to represent their interests and rights, as well as for third parties to record the process of the inspection, as well as individual actions of the employee (employees) of the internal affairs bodies of the Republic of Kazakhstan, carried out by him as part of the inspection, using means of audio and video equipment, without creating obstacles to the activities of the employee (employees) of the internal affairs bodies;

2) to appeal the act on the results of the inspection with a visit to the subject (object) of control, the order on the elimination of identified violations in the manner established by the legislation of the Republic of Kazakhstan.

5. Subjects of control, when conducting an inspection with a visit to the subject (object) of control, shall be obliged to:

1) ensure unimpeded access of an employee (employees) of the internal affairs bodies of the Republic of Kazakhstan to the territory and premises of the subject (object) of control;

2) provide the employee (employees) of the internal affairs bodies of the Republic of Kazakhstan with documents (information) on paper and electronic media or copies thereof for inclusion in the act on the results of the inspection with a visit to the subject (object) of control and an order on the elimination of identified violations in compliance with the requirements for state secrets and other secrets protected by law of the Republic of Kazakhstan;

3) make a note on receipt on the second copy of the act on the results of the inspection with a visit to the subject (target) of control and an order on the elimination of identified violations on the day the inspection is completed;

4) not allow changes and additions to the inspected documents (information) of the subjects (objects) of control during the inspection period;

5) ensure the safety of persons who arrived to conduct the inspection from harmful and dangerous production factors in accordance with the standards established for this facility.

6. An inspection with a visit to the subject (object) of control shall be carried out on the basis of an act on the appointment of an inspection with a visit to the subject (object) of control.

7. An inspection with a visit to the subject (object) of control shall be carried out without prior notification to the subjects of control and registration of an act on the appointment of an inspection with a visit to the subject (object) of control with its subsequent submission within the next working day to the state body carrying out activities within its competence in the field of state legal statistics and special accounting unless otherwise provided by paragraph 8 of this Article.

8. An inspection with a visit to the subject (object) of control to determine the applicant's compliance with qualification or permitting requirements shall be carried out without prior notification of the subjects of control and registration of an act on the appointment of an inspection with a visit to the subject (object) of control in a state body carrying out activities within its competence in the field of state legal statistics and special accounting.

9. An employee (employees) of the internal affairs bodies of the Republic of Kazakhstan, during an inspection with a visit to the subject (object) of control, shall be obliged to present:

- 1) an act on appointment of an inspection with a visit to the subject (object) of control;
- 2) service ID.

10. The act on appointment of an inspection with a visit to the subject (object) of control shall indicate:

- 1) number and date of the act;
- 2) name of the state body;
- 3) surname, name, patronymic (if it is indicated in the identity document) and position of the employee of the internal affairs body of the Republic of Kazakhstan authorized to conduct the inspection;
- 4) information about specialists, consultants, and experts of state bodies and organizations involved in conducting the inspection, if any;
- 5) the name of the subject of control in respect of which the inspection is scheduled, its location, identification number, list of objects, and area of territory;
- 6) the subject of the assigned inspection;
- 7) the period for conducting the inspection;
- 8) the grounds for conducting the inspection, including regulatory legal acts of the Republic of Kazakhstan, the mandatory requirements of which are subject to inspection;
- 9) period under inspection;
- 10) rights and obligations of the subject of control provided for by this Article;
- 11) signature of an employee of the internal affairs bodies of the Republic of Kazakhstan authorized to sign acts, seal of the internal affairs body of the Republic of Kazakhstan;
- 12) signature of the head of the legal entity or his/her authorized person on receipt or refusal to receive an act on the appointment of an inspection with a visit to the subject (object) of control.

11. The act of an appointment of an inspection with a visit to the subject (object) of control shall be registered in the register of inspections with a visit to the subject (object) of control of the internal affairs bodies of the Republic of Kazakhstan that appointed the inspection.

12. The period for conducting an inspection with a visit to the subject (object) of control shall be established taking into account the volume of upcoming works, assigned tasks, and should not exceed five working days.

13. The period for conducting an inspection with a visit to the subject (object) of control can be extended only once by the head of the internal affairs body of the Republic of Kazakhstan or a person replacing him/her, only if it is necessary to conduct complex and (or) lengthy examinations.

The period for extending an inspection with a visit to the subject (object) of control should not exceed three working days from the date of receipt of the examination results.

14. Extension of the period for conducting an inspection with a visit to the subject (object) of control shall be formalized by an additional act on the extension of the inspection.

The additional act on the extension of the inspection period with a visit to the subject (object) of control indicates the number, date of registration of the previous act on the appointment of an inspection with a visit to the subject (object) of control and the reason for the extension.

A notification on the extension of the inspection period with a visit to the subject (object) of control shall be given to the subject of control one working day before the extension with notification of delivery.

15. The beginning of an inspection with a visit to the subject (object) of control shall be the date of delivery to the subject of control or its authorized person of the act on the appointment of an inspection with a visit to the subject (object) of control.

16. Refusal of the subject of control or its authorized person to accept an act on the appointment of an inspection with a visit to the subject (object) of control or failure to provide materials and information necessary for conducting an inspection with a visit to the subject (target) of control shall not be an obstacle to access of the employee (employees) of the internal affairs bodies of the Republic of Kazakhstan to the object of control.

17. Based on the results of the inspection with a visit to the subject (object) of control, the employee (employees) of the internal affairs body of the Republic of Kazakhstan carrying out the inspection shall draw up an act on the results of the inspection with a visit to the subject (object) of control and order on the elimination of identified violations.

The first copy of the act on the results of the inspection and the order to eliminate the identified violations in electronic form shall be submitted to the state body carrying out activities within its competence in the field of state legal statistics and special accounting, and its territorial bodies, the second copy with copies of appendices, with the exception of copies of documents, available in the original from the subject (object) of control, on paper under signature or in electronic form shall be transferred to the subject of control (the head of the legal entity or his authorized person) for familiarization and taking measures on the elimination of identified violations and other actions, the third copy remains in the internal affairs bodies of the Republic of Kazakhstan, that conducted the inspection.

18. The act on the results of the inspection with a visit to the subject (object) of control shall indicate:

1) number, date, time, and place of drawing up the act;

- 2) name of the state body;
- 3) date and number of the act on the appointment of an inspection with a visit to the subject (object) of control;
- 4) surname, name, patronymic (if indicated in the identity document) and position of the employee (employees) of the internal affairs bodies of the Republic of Kazakhstan who conducted the inspection;
- 5) information about specialists, consultants, and experts of state bodies and organizations involved in conducting the inspection;
- 6) the name of the subject of control in respect of which the inspection is scheduled, its location, identification number, list of objects, and area of territory;
- 7) date, place, and period of the inspection;
- 8) information about the results of the inspection, including the violations identified and their nature;
- 9) information about familiarization or refusal to familiarize with the act of the subject of control or his authorized person, their signatures or refusal to sign, as well as a note about the presence of comments and (or) objections based on the results of the inspection;
- 10) signature of the employee (employees) of the internal affairs bodies of the Republic of Kazakhstan who conducted the inspection.

19. In the absence of violations of the requirements established in the field of trafficking in narcotic drugs, psychotropic substances, and precursors, during an inspection with a visit to the subject (object) of control, a corresponding entry shall be made in the act on the results of the inspection with a visit to the subject (object) of control.

20. In cases where, based on the results of an inspection with a visit to the subject (object) of control, the internal affairs bodies of the Republic of Kazakhstan, within the framework of ongoing operational and preventive measures, reveal facts of non-fulfillment and (or) improper fulfillment by the subject (object) of control of the duties established in the field of trafficking in narcotic drugs, psychotropic substances and precursors, the employee (employees) of the internal affairs bodies of the Republic of Kazakhstan, within the limits of authorities, shall take measures to bring the subject (object) of control to responsibility established by the laws of the Republic of Kazakhstan.

21. If violations are identified during an inspection of the applicant's compliance with qualification or permitting requirements, after the end of the inspection, the subject of control shall be given an order on the elimination of identified violations.

22. The deadlines for eliminating the identified violations specified in the order to eliminate the identified violations shall be determined taking into account the circumstances that influence the real possibility of its execution, but not more than thirty calendar days from the date of delivery of the order on the elimination of identified violations.

The subject of control, within ten working days after the end of the period specified in the order to eliminate the identified violations, shall be obliged to send information about the

elimination of identified violations with the attachment (if necessary) of materials proving the fact of elimination of the violation, to the internal affairs body of the Republic of Kazakhstan that issued the order.

23. If, as a result of an inspection with a visit to the subject (object) of control for the execution of orders on the elimination of identified violations, facts of non-fulfillment and (or) improper fulfillment by the subject (object) of control of duties established in the field of trafficking in narcotic drugs, psychotropic substances and precursors are revealed, an employee (employees) of the internal affairs bodies of the Republic of Kazakhstan in within the limits of its powers, shall take measures to bring the subject (object) of control to responsibility in accordance with the procedure established by the laws of the Republic of Kazakhstan.

24. The order on the elimination of identified violations shall indicate:

1) the date, time, and place of the order compiling;

2) surname, name, patronymic (if it is indicated in the identity document), and the position of the employee (employees) of the internal affairs bodies of the Republic of Kazakhstan who conducted the inspection;

3) the name of the subject of control in respect of whom an inspection with a visit to the subject (target) of control is scheduled, the position (if any) of the authorized person who was present during the inspection with a visit to the subject (object) of control;

4) the object of control indicating the location;

5) number and date of the act on the results of the inspection with a visit to the subject (object) of control;

6) a list of identified violations and requirements on the elimination of identified violations, indicating the deadline for their elimination;

7) information about familiarization or refusal to familiarize with the order of the subject of control or his authorized person, their signatures or refusal to sign;

8) signature of the employee (employees) of the internal affairs bodies of the Republic of Kazakhstan who conducted the inspection.

25. If there are comments and (or) objections based on the results of an inspection with a visit to the subject (object) of control, the subject of control shall set them out in writing and no later than three working days from the date of receipt of the act on the results of the inspection with a visit to the subject (object) of control and orders on the elimination of identified violations, and shall send it to the internal affairs body of the Republic of Kazakhstan that conducted the inspection.

26. The internal affairs bodies of the Republic of Kazakhstan must consider the comments and (or) objections of the subject of control to the act on the results of the inspection with a visit to the subject (object) of control and to the order on the elimination of identified violations, administrative measures and, within thirty working days, give a reasoned response on the measures taken.

27. In case of refusal to accept an act on the results of an inspection with a visit to the subject (object) of control and an act on the elimination of identified violations, a protocol shall be drawn up, which is signed by the employee of the internal affairs bodies of the Republic of Kazakhstan carrying out the inspection, the head of the subject of control or his/her authorized representative.

28. The subject of control shall have the right to refuse to sign the protocol by giving a written explanation of the reason for the refusal.

29. The completion of the inspection period with a visit to the subject (object) of control and verification of the applicant's compliance with qualification or permitting requirements shall be considered the day when the subject of control is given an act on the results of the inspection with a visit to the subject (object) of control and order on the elimination of identified violations no later than the end of the inspection specified in the act on scheduling an inspection with a visit to the subject (object) of control (additional act on extending the inspection period, if any).

30. The act on the results of the inspection with a visit to the subject (object) of control and (or) an order on the elimination of identified violations can be appealed to a higher administrative body or official in the manner established by the Administrative Procedure Code of the Republic of Kazakhstan.

31. An act on the results of an inspection with a visit to the subject (object) of control and (or) an order on the elimination of identified violations, recognized by a higher administrative body, official, or court as invalid, cannot be evidence of a violation by the subject (object) of control of the requirements established in the sphere of turnover of narcotic drugs, psychotropic substances and precursors.

32. Violations of the requirements for organizing and conducting inspections with a visit to the subject (object) of control shall include:

1) absence of grounds for conducting an inspection with a visit to the subject (object) of control;

2) absence of an act on the appointment of an inspection with a visit to the subject (object) of control;

3) appointment of an inspection with a visit to the subject (object) of control on the issues not within the competence of the internal affairs body of the Republic of Kazakhstan;

4) violation of the deadline for conducting an inspection with a visit to the subject (object) of control provided for by this Article.

Footnote. Chapter 2 is supplemented by Article 6-1 in accordance with the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

Article 7. Licensing of the activity in the scope of turnover of narcotic drugs, psychotropic substances and precursors

1. All the types of activity in the scope of turnover of narcotic drugs, psychotropic substances and precursors in the territory of the Republic of Kazakhstan shall be carried out by legal entities after obtainment of a license for particular type of activity for the term up to five years, with the exception of cases provided by Articles 19, 20 of this Law.

2. Is excluded by the Law of the Republic of Kazakhstan dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication).

3. Upon granting a license for the type of activity linked with turnover of narcotic drugs, psychotropic substances and precursors, the conclusion of internal affairs bodies on the relevant inspection of employees that in virtue of their official duties will obtain access directly to narcotic drugs, psychotropic substances and precursors shall be considered.

Employees who, due to their official duties, shall have access directly to narcotic drugs, psychotropic substances and precursors, need conclusions from psychiatrist and neurologist about the absence of mental, behavioral disorders (diseases) related to the use of psychoactive substances, as well as the absence among them of persons recognized as unfit to perform certain types of professional activities and activities related to the source of increased danger, in the procedure established by the legislation of the Republic of Kazakhstan.

4. Government of the Republic of Kazakhstan shall establish the list of instruments, equipment being under special control and used for production and manufacturing of narcotic drugs, psychotropic substances, as well as the rules of their development, production, manufacturing, storage, carriage, transmission, dispensing, sale, distribution, acquisition, use, import to the territory of the Republic of Kazakhstan, export from the territory of the Republic of Kazakhstan.

Footnote. Article 7 as amended by the Laws of the Republic of Kazakhstan dated 02.03.2006 № 130 (shall be enforced from the date of official publication); dated 10.07.2012 № 36-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 8. State quotas

1. The state quota for narcotic drugs, psychotropic substances and precursors included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan shall be the calculation of the need determined by the Government of the Republic of Kazakhstan, within which their circulation shall be carried out by legal entities licensed in accordance with international treaties of the Republic of Kazakhstan.

2. State quota shall be approved by the regulation of the Government of the Republic of Kazakhstan. State quota shall contain the quantity of particular narcotic drugs, psychotropic substances and precursors applied by legal entities for the next calendar year in accordance with the legislation of the Republic of Kazakhstan.

3. Legal entities shall represent the applications to the authorized bodies for approval of the consumption standard for the next calendar year in accordance with the legislation of the Republic of Kazakhstan.

4. Legal entities carrying out the processing of narcotic drugs, psychotropic substances and precursors or production of preparations or medical products containing narcotic drugs, psychotropic substances and (or) precursors in accordance with the legislation of the Republic of Kazakhstan shall:

1) submit applications for approval of the consumption standard for the next calendar year to the authorized state body in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors;

2) carry out sale of narcotic drugs, psychotropic substances and precursors according to the ensuring standard.

5. The authorized bodies annually shall submit generalized applications to the authorized state body in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors for approval of the consolidated consumption standard for the next calendar year until April 1 of this year.

6. Authorized state body in the field of circulation of narcotic drugs, psychotropic substances, their analogues and precursors:

1) checks the validity of applications for consumption standards of legal entities;

2) summarize the consumption standards declared for approval and submit the specified consumption standards for narcotic drugs, psychotropic substances and precursors to the Government of the Republic of Kazakhstan for their approval;

3) distribute the provision standards for controlled legal entities engaged in the circulation of narcotic drugs, psychotropic substances and precursors.

7. The share distribution of the provision standard shall be carried out in relation to all narcotic drugs, psychotropic substances and precursors included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan, as well as products containing these substances and agents declared by legal entities engaged in the circulation of narcotic drugs, psychotropic substances and precursors.

Footnote. Article 8 is in the wording of the Law of the Republic of Kazakhstan dated 2 March 2006 № 130 (shall be enforced from the date of official publication); as amended by the Law of the RK dated 27.12.2018 № 205-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 9. Development of new narcotic drugs, psychotropic substances and precursors

1. Development of new narcotic drugs, psychotropic substances and precursors have a purpose of creation of new narcotic drugs, psychotropic substances and precursors being more effective, less dangerous and easily controlled in comparison with existing.

2. Development of new narcotic and psychotropic medicinal preparations shall be carried out by scientific research institutions having a license for this type of activity, pre-clinical and clinical investigations of new potential narcotic and psychotropic medicinal preparations for use in medical and scientific purposes shall be carried out in specialized medical and preventive treatment facilities (organizations) and scientific research institutions in accordance with the legislation of the Republic of Kazakhstan.

3. Registration of narcotic drugs, psychotropic substances, precursors used in medical and scientific purposes shall be carried out in accordance with provisions applied to all medicinal preparations and established by regulatory legal acts.

Article 10. Production, manufacturing, processing of narcotic drugs, psychotropic substances and precursors

1. Production, manufacturing, processing of narcotic and psychotropic medicinal preparations permitted to medical applying in the territory of the Republic of Kazakhstan shall be performed within the limits of established state quotas by legal entities having the licenses for this type of activity and registered in established manner by the authorized body in the field of public health service.

2. Legal entities producing, manufacturing, processing narcotic drugs, psychotropic substances and precursors shall be subject to mandatory registration in accordance with the procedure established by the legislation of the Republic of Kazakhstan on state registration of legal entities and accounting registration of branches and representative offices.

Footnote. Article 10 as amended – dated 20 December 2004 № 13 (shall be enforced from 1 January 2005); dated 2 March 2006 № 130 (shall be enforced from the date of official publication); dated 27.12.2018 № 205-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 11. Packing of manufactured narcotic drugs and psychotropic substances

1. Marking of consumer package shall be unified for all series of narcotic drugs and psychotropic substances used in medical purposes and shall conform to requirements established by the legislation of the Republic of Kazakhstan on medical products.

2. When labeling medicinal products containing substances listed in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan, the names of these substances and their content in units of weight or percentage are indicated.

3. (is excluded – № 327 dated 31.05.2002)

4. In case of violations of conditions to which the packing and signatures of narcotic and psychotropic medical products shall conform, the narcotic drugs and psychotropic substances shall be withdrawn in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 11 as amended by the Law of the Republic of Kazakhstan dated 31 May 2002 № 327; dated 29 December 2006 № 209 (the order of enforcement see Article 2); dated 27.12.2018 № 205-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 12. Import to the territory of the Republic of Kazakhstan, export from the territory of the Republic of Kazakhstan and transit through the territory of the Republic of Kazakhstan of narcotic drugs, psychotropic substances and precursors

1. Import to the territory of the Republic of Kazakhstan, export from the territory of the Republic of Kazakhstan of narcotic drugs, psychotropic substances and precursors shall be carried out by legal entities having the license for this type of activity.

2. The import into the territory of the Republic of Kazakhstan from countries that shall not be part of the Eurasian Economic Union and the export from the territory of the Republic of Kazakhstan to these countries of narcotic drugs, psychotropic substances and precursors shall be carried out on the basis of a license issued by an authorized state body in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors.

The import of narcotic drugs, psychotropic substances and precursors into the territory of the Republic of Kazakhstan from the member states of the Eurasian Economic Union and the export of narcotic drugs, psychotropic substances and precursors from the territory of the Republic of Kazakhstan to the member states of the Eurasian Economic Union shall be carried out on the basis of a permit issued by an authorized state body in the field of circulation of narcotic drugs, psychotropic substances, their analogues and precursors.

A license issued for import or export cannot be transferred to another legal entity, regardless of whether it has a license for this activity in the field of trafficking in narcotic drugs, psychotropic substances and precursors.

3. The notarized copy of license for export of narcotic drugs, psychotropic substances and precursors shall be accompanied with each freight shipment that shall be also sent to the government of the country of import.

4. Import to the territory of the Republic of Kazakhstan and export from the territory of the Republic of Kazakhstan of narcotic drugs, psychotropic substances and precursors shall be carried out by exchange of certificates for import and export between importers and exporters of narcotic drugs, psychotropic substances and precursors with a note on export certificate on the fact of particular shipment and on termination of the operation of import or export.

5. If in the fact, the imported (exported) quantity of narcotic drugs, psychotropic substances and precursors do not conform to the quantity stated in the license, the details about this shall be informed to the relevant competent body of the country of import (export).

6. Import to the territory of the Republic of Kazakhstan and export from the territory of the Republic of Kazakhstan of narcotic drugs, psychotropic substances and precursors without

precise statement of names and addresses of enterprises carrying out the import (export), list and quantity of narcotic drugs, psychotropic substances and precursors shall be prohibited.

7. The transit of narcotic drugs, psychotropic substances and precursors through the territory of the Republic of Kazakhstan shall be carried out by legal entities on the basis of a permit issued by an authorized state body in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors, as well as in cases provided for by Article 28 of this Law.

The conditions for the transit of narcotic drugs, psychotropic substances and precursors shall be determined in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

8. In case of violation of requirements established by this Article, the narcotic drugs, psychotropic substances and precursors shall be subject to confiscation in accordance with the legislation of the Republic of Kazakhstan. The procedure for the following use or destruction of confiscated narcotic drugs, psychotropic substances and precursors shall be determined in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 12 as amended by the Laws of the Republic of Kazakhstan dated 31.05.2002 № 327; dated 29.12.2006 № 209 (the order of enforcement see Article 2); dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 26.12.2017 № 124-VI (shall enter into force on 01.01.2018); or 27.12.2018 № 205-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 13. Carriage, transmission of narcotic drugs, psychotropic substances and precursors

1. Procedure for carriage of narcotic drugs, psychotropic substances and precursors including international carriage, as well as drawing up of documents required for this shall be regulated by the regulatory legal acts of the Republic of Kazakhstan.

2. Transportation of cargo with narcotic drugs, psychotropic substances and precursors shall be carried out by paramilitary security services or other security services in coordination with internal affairs bodies.

3. The right to carry out carriage of narcotic drugs, psychotropic substances and precursors in the territory of the Republic of Kazakhstan shall be provided to legal entities after obtaining the relevant licenses for this type of activity in the scope of turnover of narcotic drugs, psychotropic substances and precursors.

4. Individuals can import drugs containing narcotic drugs, psychotropic substances and precursors into the territory of the Republic of Kazakhstan and export from the territory of the Republic of Kazakhstan for personal use for medical reasons if there is a supporting document. The form of the confirmation document shall be established by the authorized body in the field of health in agreement with the authorized state body in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors.

5. Transmission of narcotic drugs, psychotropic substances and precursors in postal matters, including international shall be prohibited.

Footnote. Article 13 as amended by the Laws of the Republic of Kazakhstan dated 31.05.2002 № 327; dated 02.03.2006 № 130 (shall be enforced from the date of official publication); dated 21.06.2013 № 107-V (shall be enforced upon expiry of thirty calendar days after its first official publication); dated 27.12.2018 № 205-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 14. Storage of narcotic drugs, psychotropic substances and precursors

1. Storage of narcotic drugs, psychotropic substances and precursors shall be carried out in specially equipped premises on the basis of the license for this type of activity issued in the manner established by the legislation of the Republic of Kazakhstan.

2. Restrictions established by this Law shall not apply to narcotic drugs, psychotropic substances, their analogues and precursors withdrawn from illegal turnover and stored in the manner determined by the authorized bodies of the Republic of Kazakhstan.

Article 15. Sale and distribution of narcotic drugs, psychotropic substances and precursors

1. Sale and distribution of narcotic drugs, psychotropic substances and precursors shall be carried out by legal entities in the manner established by the Government of the Republic of Kazakhstan, in existence of the license issued for these types of activity in accordance with the legislation of the Republic of Kazakhstan.

2. Procedure for dispensing medicinal preparations to citizens containing narcotic drugs, psychotropic substances and precursors shall be established by the authorized body in the field of public health service.

3. Drugs containing narcotic drugs, psychotropic substances and precursors can be dispensed to citizens only in pharmacy and medical and preventive organizations that have licenses for these types of activities. The list of positions and organizations that shall be granted the right to dispense drugs containing narcotic drugs, psychotropic substances and precursors to citizens shall be established by the authorized state body in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors, in agreement with the authorized body in the field of health and the authorized body in the field of veterinary medicine.

4. Medicinal preparations containing narcotic drugs, psychotropic substances and precursors shall be assigned and dispensed to citizens for use only on prescription exclusively in medical purposes in forms and quantities answering to their use for these purposes.

5. The authorized body in the field of health shall determine the maximum terms for prescribing specific medicinal products containing narcotic drugs, psychotropic substances and precursors used for medical purposes, included in the List of narcotic drugs, psychotropic

substances and precursors subject to control in the Republic of Kazakhstan, as well as their number allowed for discharge and issue in one prescription.

6. (Is excluded – dated 2 March 2006 № 130 (shall be enforced from the date of official publication).

Footnote. Article 15 as amended – dated 20 December 2004 № 13 (shall be enforced from 1 January 2005); dated 2 March 2006 № 130 (shall be enforced from the date of official publication); dated 27.12.2018 № 205-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 16. Use of narcotic drugs, psychotropic substances and precursors in medical purposes

1. Narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan can be used for medical purposes in the procedure established by the authorized body in the field of health in agreement with the authorized state body in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors.

2. Medicinal products approved for use in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan shall be subject to the provisions applied to all medicinal products established by the legislation of the Republic of Kazakhstan, if these provisions do not contradict this Law.

3. The use for medical purposes of narcotic drugs, psychotropic substances and precursors included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan shall be carried out in accordance with regulatory legal acts of the Republic of Kazakhstan.

4. Control of turnover of narcotic drugs, psychotropic substances and precursors in healthcare organizations and pharmacy organizations shall be carried out by the authorized body in the field of health care service.

5. The right to use drugs containing narcotic drugs, psychotropic substances and precursors included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan shall apply to civilian sanitary transport. Illegal exercise of this right on other types of civil transport entails liability in accordance with the procedure established by the Laws of the Republic of Kazakhstan.

6. Medicinal products containing narcotic drugs, psychotropic substances and precursors used only for the provision of primary health care in emergency cases, included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan, shall be:

- 1) civil sanitary transport;
- 2) in combat vehicles (ships) when entering tactical exercises (in the sailing area) and field (naval) exercises;
- 3) on aircraft during flights in the pilot's first-aid kit;

4) in emergency cabinets (stacks) of state institutions, the Armed Forces of the Republic of Kazakhstan, other troops and military formations.

Permission for their use and the procedure for accounting shall be established by the authorized state body in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors in agreement with the authorized body in the field of health in accordance with the legislation of the Republic of Kazakhstan.

7. Measures that shall be taken for the purpose of non-admission of improper use of these medicinal preparations and their leak through illegal canals shall be established in permission mentioned in paragraph 6 of this Article. The persons from among the crew team to whom these medicinal preparations will be entrusted, the conditions of their storage, registration of their dispensing, substitution, as well as periodicity of reports on their use shall be stated in there.

8. Use of medicinal preparations in accordance with paragraph 7 of this Article in cases of emergency and in emergency situations shall not be considered as violation of provisions of this Law on procedure for dispensing of narcotic drugs, psychotropic substances and precursors to citizens.

Footnote. Article 16 as amended by the Laws of the Republic of Kazakhstan dated 31 May 2002 № 327; dated 20 December 2004 № 13 (shall be enforced from 1 January 2005); dated 2 March 2006 № 130 (shall be enforced from the date of official publication); dated 29 December 2006 № 209 (the order of enforcement see Article 2); dated 29.09.2014 № 239-V (shall be enforced upon expiry of ten calendar days after the date of its first official publication); dated 27.12.2018 № 205-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 17. Use of narcotic drugs, psychotropic substances and precursors in veterinary medicine

1. The list of narcotic drugs, psychotropic substances and precursors used in veterinary medicine, as well as for trapping of animals shall be established by the Government of the Republic of Kazakhstan.

2. The conditions and procedure for the use of narcotic drugs, psychotropic substances and precursors in veterinary medicine shall be determined by the authorized state body in the field of trafficking in narcotic drugs, psychotropic substances, their analogues and precursors in agreement with the authorized body in the field of veterinary medicine.

Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 31 May 2002 № 327; dated 20 December 2004 № 13 (shall be enforced from 1 January 2005); dated 27.12.2018 № 205-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 18. Use of narcotic drugs, psychotropic substances, their analogues and precursors in scientific and educational purposes

Footnote. Title of Article 18 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

Use of narcotic drugs, psychotropic substances, their analogues and precursors in scientific and educational purposes shall be permitted to legal entities that obtained the license for activity linked with use of narcotic drugs, psychotropic substances, their analogues and precursors in the quantities stated precisely in this license.

Footnote. Article 18 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

Article 19. Use of narcotic drugs and psychotropic substances, their analogues, precursors in expert and criminalistics activity

Footnote. Title of Article 19 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

Production of examinations with the use of narcotic drugs and precursors or for detection of the latter, shall be permitted to legal entities having the license mentioned in Article 18 of this Law in compliance with other conditions of carrying out the judicial expert activity provided by the legislation of the Republic of Kazakhstan. Production of examinations with the use of narcotic drugs, psychotropic substances, their analogues and precursors or for detection of the latter by the state bodies of judicial examination, as well as conduct of criminalistics processing by operational criminalistics subdivisions of internal affairs bodies and the bodies of national security shall be carried out without licensing.

Footnote. Article 19 is in the wording of the Law of the Republic of Kazakhstan dated 05.05.2000 № 47; as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

Article 20. The use of narcotic drugs, psychotropic substances, their analogues and precursors in counterintelligence and operational-search activities

Bodies carrying out operational-search, counterintelligence activities shall be allowed to use narcotic drugs, psychotropic substances, their analogues and precursors during operational-search, counterintelligence measures in accordance with the legislation of the Republic of Kazakhstan, as well as during special training of employees and personnel engaged in the fight against their illegal trafficking, and training of service dogs.

The procedure for the acquisition and consumption of narcotic drugs, psychotropic substances, their analogues and precursors for the purposes specified in the first part of this Article shall be determined by a regulatory legal act of bodies engaged in operational-search, counterintelligence activities.

Footnote. Article 20 in the wording of the Law of the RK dated 28.12.2016 № 36-VI (shall enter into force upon the expiry of two months after the day of its first official publication).

Article 21. Destruction, narcotic drugs, psychotropic substances, their analogues and precursors

Footnote. Title of Article 21 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

1. Narcotic drugs, psychotropic substances, their analogues, precursors and means of plant origin containing narcotic drugs, as well as instruments and equipment the following use of which in turnover is recognized unreasonable shall be subject to destruction in the manner determined by the regulatory legal acts of the Republic of Kazakhstan.

2. Destruction of narcotic drugs, psychotropic substances, their analogues and precursors may be carried out in cases when:

- 1) the service life of narcotic drug, psychotropic substance and precursors is expired;
- 2) narcotic drugs, psychotropic substances, precursors were subject to chemical or physical effect, the consequence of which is their worthlessness excluding the possibility of their restoration or processing;
- 3) confiscated, detected and withdrawn from illegal turnover narcotic drugs, psychotropic substances, their analogues and precursors do not represent medical, scientific or another value and may not be processed, and equally in other cases provided by the legislation of the Republic of Kazakhstan.

3. Any legal entities that do not have the licenses for cultivation and gathering of plants containing narcotic drugs and psychotropic substances, the citizens being owners or users of land fields on which these plants grow, shall be obliged to destroy them.

4. Violation of requirements of paragraph 3 of this Article shall entail responsibility provided by the Laws of the Republic of Kazakhstan.

Footnote. Article 21 as amended by the Laws of the Republic of Kazakhstan dated 02.03.2006 № 130 (shall be enforced from the date of official publication); dated 29.12.2006 № 209 (the order of enforcement see Article 2); dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

Article 22. Cultivation and gathering of plants containing narcotic drugs, psychotropic substances and precursors

1. Cultivation and gathering of plants containing narcotic drugs, psychotropic substances and precursors and their use for industrial, medical, educational and scientific purposes shall be permitted to legal entities having the licenses for this type of activity in the volume not exceeding the state quota established by the Government of the Republic of Kazakhstan.

2. Cultivation and gathering of opium poppy, cocaine plant and cannabis (hemp) for the purpose of manufacturing of narcotic medical products in the territory of the Republic of Kazakhstan shall be prohibited except for the cases provided by Article 18 of this Law.

3. Decision on prohibition of cultivation and gathering of other plants containing narcotic drugs, psychotropic substances and precursors in the territory of the Republic of Kazakhstan shall be made by the Government of the Republic of Kazakhstan.

4. Procedure for issuance of the license for cultivation and gathering of plants containing narcotic drugs, psychotropic substances and precursors, and their use exclusively for industrial, scientific and medical purposes shall be established by the Government of the Republic of Kazakhstan.

Footnote. Article 22 as amended by the Law of the Republic of Kazakhstan dated 2 March 2006 № 130 (shall be enforced from the date of official publication).

Article 23. Procedure for turnover of precursors

1. Development, production, processing, storage, transportation, shipping, sale, distribution, acquisition, use, import into the territory of the Republic of Kazakhstan, export from the territory of the Republic of Kazakhstan, the transit through the territory of the Republic of Kazakhstan of precursors included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan shall be regulated by this Law and the regulatory legal acts of the Republic of Kazakhstan on precursors adopted in accordance with it, as well as tools and equipment used for the production of narcotic drugs and psychotropic substances.

2. Legal entities shall be prohibited to store precursors in quantities exceeding their production needs.

3. Wholesale sale of precursors shall be prohibited for legal entities carrying out retail trade.

4. In cases where there is evidence that one of the substances included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan is intended for use for the illegal manufacture of a narcotic drug or psychotropic substance, precursors are immediately arrested until the court decides on its further use in accordance with the legislation of the Republic of Kazakhstan.

Footnote. Article 23 as amended by the Law of the RK dated 27.12.2018 № 205-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 24. Prohibition of propaganda and restriction of advertising in the sphere of turnover of narcotic drugs, psychotropic substances, their analogues and precursors

1. Propaganda of narcotic drugs, psychotropic substances, their analogues and precursors, that is, dissemination of any information regardless of the form and method of their presentation about narcotic drugs, psychotropic substances, their analogues, precursors, about the ways, methods of their development, manufacture and use, about the advantages and benefits of using certain types of narcotic drugs, psychotropic substances and their analogues, aimed at forming a positive or tolerant attitude at an indefinite circle of people towards illegal turnover and illegal consumption of narcotic drugs, psychotropic substances, their analogues, or performing other actions for these purposes, shall be prohibited.

2. Advertising of narcotic drugs and psychotropic substances, their analogues included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan (Table I), as well as precursors (Table IV), that is, information on the places or ways of their acquisition, quality, price and their other properties, distributed and (or) placed in any place, in any form by any means, intended for an indefinite circle of persons and designed to form or maintain interest in narcotic drugs and psychotropic substances, their analogues and promote their illegal consumption and sale shall be prohibited.

Advertising of narcotic drugs and psychotropic substances, their analogues included in the List of narcotic drugs, psychotropic substances and precursors subject to control in the Republic of Kazakhstan (Tables II and III) may be carried out exclusively in specialized printed publications designed for medical and pharmaceutical workers. It is prohibited to distribute samples of medicinal products containing narcotic drugs or psychotropic substances or their analogues for advertising purposes.

3. Violation of the norms, established by this Article shall entail liability in accordance with the laws of the Republic of Kazakhstan.

Footnote. Article 24 is in the wording of the Law of the Republic of Kazakhstan dated 27.12.2019 № 292-VI (the order of enforcement see Article 2).

Article 25. Counter measures of illegal turnover of narcotic drugs, psychotropic substances, their analogues, precursors and their abuse

Footnote. Title of Article 25 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

1. The organization of countering and abuse of illicit trafficking in narcotic drugs, psychotropic substances, their analogues and precursors shall be carried out, among other things, using the data of the Earth remote sensing in the manner established by the legislation of the Republic of Kazakhstan.

2. Struggle against illegal turnover of narcotic drugs, psychotropic substances, their analogues and precursors shall be carried out by the relevant authorized bodies of the Republic of Kazakhstan within their powers.

3. Coordination of a struggle against illegal turnover of narcotic drugs, psychotropic substances, their analogues, precursors and their abuse shall be carried out by the authorized

state body in the scope of turnover of narcotic drugs, psychotropic substances, their analogues and precursors.

Footnote. Article 25 as amended by the Laws of the Republic of Kazakhstan dated 03.07.2013 № 124-V (shall be enforced upon expiry of ten calendar days after its first official publication); dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 08.04.2016 № 490-V (shall enter into force upon the expiry of ten calendar days after the day of its first official publication); dated 21.12.2022 № 167-VII (shall enter into force upon expiry of ten calendar days after the day of its first official publication).

Article 26. Responsibility for legitimization and use of incomes from illegal turnover of narcotic drugs, psychotropic substances, their analogues and precursors

Footnote. Title of Article 26 as amended by the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

Legitimization of incomes: concealing or deviation of sources and nature of origin, location, placement, movement or current belonging of monetary funds or another property, or rights to property, received from illegal turnover of narcotic drugs, psychotropic substances, their analogues, precursors, and equally use of such monetary funds or another property for engagement in entrepreneurial or another economic activity; placement of financial funds earned from illegal turnover of narcotic drugs, psychotropic substances, their analogues or precursors in banks, on enterprises and in another structures independently from the form of ownership, or acquisition of equipment for such funds for production and other needs, or use of such funds and property for the purpose of continuation of illegal turnover of narcotic drugs, psychotropic substances, their analogues or precursors shall entail the responsibility of legal and individuals in accordance with the Laws of the Republic of Kazakhstan.

Footnote. Article 26 as amended by the Law of the Republic of Kazakhstan dated 5 May 2000 № 47; dated 29 December 2006 № 209 (the order of enforcement see Article 2).

Article 27. Survey of transport vehicles, cargo and personal property of citizens

1. Survey of transport vehicle, cargo being on it, personal property of a driver and passengers may be carried out by the civil servants of the state bodies (subdivisions of state bodies) authorized for that in accordance with the legislation of the Republic of Kazakhstan.

2. Upon detection of substances in respect of which there are suspicions that they refer to narcotic drugs, psychotropic substances, their analogues or precursors and are required for the following research, as well as in existence of signs of drug intoxication of a driver or passengers, the transport and mentioned persons may be brought to law enforcement bodies for explanation of necessary circumstances.

3. In case of unreasonable survey of transport, cargo being on it, driver and passengers, as well as unreasonable bringing of mentioned persons and transport to law enforcement bodies,

such persons shall have the right to compensation for material and moral damage inflicted to them in full measure in accordance with the legislation of the Republic of Kazakhstan.

Article 28. Controlled delivery

1. Authorized bodies of the Republic of Kazakhstan, empowered to carry out operational-search, counterintelligence activities in order to identify the sources and channels of illicit drug trafficking, psychotropic substances, their analogues and precursors, as well as persons participating in this, in each case, by agreement with the relevant authorities of foreign states or by international treaties, may use the controlled supply method, that shall be, to allow, under the control of these bodies, import into the territory of the state or export abroad, transit of narcotic drugs, psychotropic substances, their analogues and precursors.

2. Controlled delivery may be used also in respect of illegal carriage and transmission of narcotic drugs, psychotropic substances, their analogues and precursors that shall be carried out within the territory of the state.

3. Procedure for conduct of controlled delivery shall be determined by the legislation of the Republic of Kazakhstan and international treaties.

Footnote. Article 28 as amended by the Law of the RK dated 28.12.2016 № 36-VI (shall enter into force upon the expiry of two months after the day of its first official publication).

Article 29. Controlled purchase

1. In order to obtain evidence of criminal activity, signs and facts of intelligence-subversive activities related to the illegal trafficking of narcotic drugs, psychotropic substances, their analogues and precursors, employees of bodies engaged in operational-search, counterintelligence activities, within their competence, have the right to conduct a control purchase of narcotic drugs, psychotropic substances, their analogues and precursors.

2. Procedure for conduct of controlled purchase shall be determined by the regulatory legal acts of the Republic of Kazakhstan.

Footnote. Article 29 is in the wording of the Law of the Republic of Kazakhstan dated 2 March 2006 № 130 (shall be enforced from the date of official publication); as amended by the Law of the RK dated 28.12.2016 № 36-VI (shall enter into force upon the expiry of two months after the day of its first official publication).

Article 30. Liquidation of legal entity

1. In case of establishment of details on the facts of illegal turnover of narcotic drugs, psychotropic substances, their analogues, precursors in organization providing the services at

the places of mass stay of citizens, such organization under the court decision shall be subject to liquidation, and guilty persons shall be brought to responsibility in accordance with the Laws of the Republic of Kazakhstan.

2. In case of establishment of the fact of carrying out financial operation by the legal entity for the purpose of legitimization (laundering) of incomes earned in the results of illegal turnover of narcotic drugs, psychotropic substances, their analogues and precursors, the mentioned legal entity may be liquidated under court decision, and its heads shall bear responsibility in accordance with the Laws of the Republic of Kazakhstan.

3. State bodies authorized to carry out the counteraction of illegal turnover of narcotic drugs, psychotropic substances, their analogues and precursors shall have the right to bring the action on liquidation of the legal entity in cases provided by paragraphs 1 and 2 of this Article, in the manner established by the legislation of the Republic of Kazakhstan.

Footnote. Article 30 as amended by the Laws of the Republic of Kazakhstan dated 05.05.2000 № 47; dated 20.12.2006 № 209 (the order of enforcement see Article 2); dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

Article 31. Confiscation of narcotic drugs, psychotropic substances, their analogues, precursors

1. Narcotic drugs, psychotropic substances, their analogues and precursors being in illegal turnover, substances, instruments and equipment being used for their illegal manufacturing, as well as property and financial means used for illegal turnover of narcotic drugs, psychotropic substances, their analogues and precursors or incomes earned in the results of their illegal turnover shall be subject to confiscation into the revenues of the state in the manner established by the Law.

2. Narcotic drugs, psychotropic substances, their analogues and precursors, as well as the substances, instruments and equipment for their manufacturing used in illegal turnover being subject to confiscation, the following applying of which in legal turnover is recognized unreasonable shall be subject to destruction under the court decision in the manner established by the Law.

Chapter 3. PROVISION OF HEALTH CARE FOR PERSONS WITH MENTAL, BEHAVIOURAL DISORDERS (DISEASES) ASSOCIATED WITH THE USE OF PSYCHOACTIVE SUBSTANCES

Footnote. The Title of the Chapter 3 in the wording with the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 32. Detection of persons consuming narcotic drugs, psychotropic substances, their analogues

1. Person in respect of whom the information that he (she) consumes narcotic drugs, psychotropic substances, their analogues is received by the internal affairs bodies and other authorized state bodies or bodies of health care service of the Republic of Kazakhstan from organizations or separate citizens, or that he (she) is in condition of drug intoxication, shall be subject to medical certification.

2. The fact of illegal consumption of narcotic drugs, psychotropic substances, their analogues shall be established on the basis of indications of witnesses, as well as in existence of the signs of drug intoxication and results of medical certification, as well as tests of narcotic drug, psychotropic substance, their analogues in the body of inspected person.

3. Establishment of the fact of drug intoxication due to illegal consumption of narcotic drugs, psychotropic substances, their analogues is the competence of a doctor only, to whom the obligations on conduct of medical certification (examination) is assigned, and the diagnosis “drug addiction” shall be established by the medical advisory commission.

4. Procedure for detection and recording of persons illegally consumed the narcotic drugs, psychotropic substances, their analogues shall be determined by the regulatory legal acts of the authorized bodies regulating the issues of health care service, internal affairs, other authorized bodies of the Republic of Kazakhstan.

Footnote. Article 32 is in the wording of the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); as amended by the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 33. Medical certification and medical examination of persons abusing narcotic drugs, psychotropic substances, their analogues

Footnote. Title of Article 33 is in the wording of the Law of the Republic of Kazakhstan dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015).

1. Medical certification shall be conducted in the direction of the employees of law enforcement bodies, and medical examination – in direction of a narcologist. Person avoiding the medical examination shall be subject to bringing to the narcological institution.

2. Procedure for conduct of medical certification and medical examination shall be determined by the regulatory legal acts of the authorized bodies of the Republic of Kazakhstan.

Article 34. Compulsory treatment of persons with mental, behavioral (disease) disorders associated with substance use

Issues of compulsory treatment of persons with mental, behavioral disorders (diseases) related to the use of psychoactive substances, evading voluntary treatment, the procedure for recognizing a person with mental, behavioral disorders (diseases) related to the use of

psychoactive substances, and the grounds for its referral for treatment to an organization providing medical care in the field of mental health, the basis and procedure for stopping compulsory treatment, accounting for persons with mental, behavioral disorders (diseases) related to the use of psychoactive substances, and the procedure for conducting supportive treatment shall be regulated by the legislation of the Republic of Kazakhstan.

Footnote. Article 34 in the wording of the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 35. Principles of health care for persons with mental, behavioral (disease) disorders associated with substance use

1. Health care for persons with mental, behavioral disorders (diseases) related to the use of psychoactive substances shall include the prevention of mental, behavioral disorders (diseases) related to the use of psychoactive substances, examination of persons, diagnosis of violations, treatment, care, medical and social rehabilitation of persons suffering from mental, behavioral disorders (diseases) related to the use of psychoactive substances, and shall be carried out in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

2. Health care for persons with mental, behavioral disorders (diseases) related to the use of psychoactive substances shall be guaranteed by the state and be carried out on the basis of the principles of legality, humanity and respect for human and civil rights.

3. Health care for persons with mental, behavioral disorders (diseases) related to the use of psychoactive substances shall be provided when a person voluntarily applies for medical assistance to an organization providing medical care in the field of mental health. A minor, as well as a person recognized by the court as incapacitated, medical and sanitary assistance is provided with the consent of their legal representatives in the manner prescribed by the legislation of the Republic of Kazakhstan.

4. Persons with mental, behavioral disorders (diseases) related to the use of psychoactive substances who evade voluntary treatment shall be subject to compulsory treatment in organizations providing medical care in the field of mental health, in accordance with the procedure provided for by the legislation of the Republic of Kazakhstan.

5. Persons with mental, behavioral disorders (diseases) related to the use of psychoactive substances who have committed criminal offenses shall be provided with health care on the basis and in the manner provided for by the legislation of the Republic of Kazakhstan.

6. For the period of voluntary inpatient treatment, a certificate of temporary disability shall be issued to a person with mental, behavioral disorders (diseases) associated with the use of psychoactive substances, and at the end of treatment, at his request, a certificate indicating the purpose of treatment.

7. A person who voluntarily shall apply to an organization providing mental health care to undergo treatment shall be provided with anonymity of treatment at his request. Information about such treatment can be provided only to the internal affairs bodies and other state bodies in the event of bringing this person to criminal or administrative responsibility.

Footnote. Article 35 in the wording of the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 36. Individuals and legal entities entitled to provide health care to persons with mental, behavioral (disease) disorders associated with substance use

1. Health care for persons with mental, behavioral disorders (diseases) associated with the use of psychoactive substances in the Republic of Kazakhstan has the right to provide only individuals and legal entities with an appropriate license to engage in this activity.

2. The procedure for issuing a license for the provision of health care to persons with mental, behavioral disorders (diseases) associated with the use of psychoactive substances is established by the legislation of the Republic of Kazakhstan.

3. Types of health care for persons with mental, behavioral disorders (diseases) related to the use of psychoactive substances, carried out by organizations providing medical care in the field of mental health, are indicated in the statutory documents and licenses. Information about them is provided to everyone.

Footnote. Article 36 in the wording of the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Article 37. Funding health care

Financing of state organizations providing health care to persons with mental, behavioral disorders (diseases) associated with the use of psychoactive substances is carried out at the expense of budgetary funds, as well as other sources not prohibited by the legislation of the Republic of Kazakhstan.

Footnote. Article 37 in the wording of the Law of the RK dated 07.07.2020 № 361-VI (shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Chapter 4. FINAL PROVISIONS Article 38. Responsibility for violations of the legislation of the Republic of Kazakhstan on narcotic drugs, psychotropic substances, their analogues, precursors and measures to counter their illicit trafficking and abuse

Footnote. Title of the Article 38 as amended by the Law of the RK dated 27.12.2018 № 205-VI shall enter into force upon the expiry of ten calendar days after the day of its first official publication).

Responsibility for violation in the scope of turnover of narcotic drugs, psychotropic substances and precursors shall be established by the Laws of the Republic of Kazakhstan.

Upon bringing to administrative and criminal responsibility, the List of narcotic drugs, psychotropic substances and precursors subjected to control in the Republic of Kazakhstan, and Summary schedule on referring of narcotic drugs, psychotropic substances, their analogues and precursors to small, larger and especially large sizes detected in illegal turnover (annex 1, 2) shall be applied.

Footnote. Article 38 as amended by the Laws of the Republic of Kazakhstan dated 31.05.2002 № 327; dated 29.12.2006 № 209 (the order of enforcement see Article 2); dated 03.07.2014 № 227-V (shall be enforced from 01.01.2015); dated 27.12.2018 № 205-V (for the procedure for entry into force, see article 2); dated 27.12.2018 № 205-VI (the procedure of entry into force see Article.2).

Annex 1

Footnote. Annex 1 is excluded by the law of the Republic of Kazakhstan dated 27.12.2018 № 205-V (entered into force six months after the date of its first official publication)

Annex 2

Footnote. Annex 2 is excluded by the law of the Republic of Kazakhstan dated 27.12.2018 № 205-V (entered into force six months after the date of its first official publication).

*The President
of the Republic of Kazakhstan*