



PARLIMEN MALAYSIA



RANG UNDANG-UNDANG
Dadah Berbahaya (Pindaan) 1971
DR.113/1971

RANG UNDANG²*bernama*

Suatu Akta bagi meminda Ordinan Dadah Berbahaya, 1952.

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MAKA INI-LAH DI-PERBUAT UNDANG² oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Ra'ayat yang bersidang dalam Parlimen, dan dengan kuasa daripada-nya, saperti berikut :

1. Akta ini boleh-lah di-namakan Akta Dadah Berbahaya (Pindaan), 1971. Tajok ringkas.
2. Ordinan Dadah Berbahaya, 1952, ada-lah dengan ini di-pinda mengikut chara yang di-nyatakan dalam Jadual bersama ini. Pindaan. 30/52.
3. Ordinan No. 82 (Kuasa² Perlu) Dharurat, 1971 ada-lah dengan ini di-mansokhkan. Peman-sokhan. P.U. (A) 67/71.

JADUAL

Pindaan² kapada Ordinan Dadah Berbahaya, 1952

Peruntokan ² yang di-pinda	Jenis Pindaan
Sekshen 2 ...	1. Masokkan sa-belum sahaja taarif "coca leaves" taarif yang berikut "aircraft", "cannabis" dan "cannabis resin"— " 'aircraft' includes every description of craft which may be used for the conveyance of passengers or goods by air; 'cannabis' (except where used in the expression 'cannabis resin') means the flowering or fruiting tops of any plant of the genus cannabis from which the resin has not been extracted, by whatever name they may be designated; 'cannabis resin' means the separated resin, whether crude or purified, obtained from any plant of the genus cannabis;"

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2. Masokkan sa-lepas sahaja taarif "coca leaves", taarif yang berikut "Commission"—

" 'Commission' means the Commission on Narcotic Drugs of the Economic and Social Council of the United Nations;".

3. Dalam taarif "corresponding law", masokkan yang berikut di-antara perkataan "Hague Convention" dengan perkataan "and any statement"—

"or of the Protocol or of the Single Convention".

4. Potong taarif "Indian Hemp".

5. Masokkan taarif "opium poppy" dan "poppy straw" sa-lepas sahaja taarif "offence under this Ordinance"—

" 'opium poppy' means a plant of the species *Papaver somniferum* L or the species *Papaver setigerum* D.C. and any plant from which morphine may be produced;

'poppy-straw' means all parts except the seeds of the opium poppy, after mowing;".

6. Masokkan sa-lepas sahaja taarif "prepared opium" taarif "Protocol" yang berikut—

" 'Protocol' means the Protocol on Narcotic Drugs signed at Lake Success, New York, on the 11th day of December, 1946;".

7. Masokkan sa-lepas sahaja taarif "ship", taarif "Single Convention" yang berikut—

" 'Single Convention' means the Single Convention on Narcotic Drugs signed at New York on the 30th day of March, 1961;".

Bahagian II ... 1. Gantikan perkataan "AND INDIAN HEMP" yang terdapat dalam kepala Bahagian II dengan perkataan "POPPY-STRAW AND CANNABIS".

2. Gantikan perkataan "or Indian hemp" di-mana² jua di-dapati di-bawah Bahagian II dengan perkataan " , poppy-straw or cannabis".

Sekshen 6 ... Gantikan perkataan "has in his possession" yang terdapat di-dalam-nya dengan perkataan "keeps or has in his possession, custody or control".

Sekshen 7 ... Gantikan angka "46" yang terdapat dalam sekshen-kecil (2) dengan angka "47".

Bahagian III ... Gantikan perkataan "AND THE RESIN OF INDIAN HEMP" yang terdapat dalam kepala di-bawah Bahagian III dengan perkataan " , CANNABIS AND CANNABIS RESIN".

Peruntukan ² yang di-pinda	Jenis Pindaan
Sekshen 8	Gantikan perkataan "the resin obtained from Indian hemp" dengan perkataan "cannabis, cannabis resin".
Sekshen 9	... Gantikan sekshen-kecil (1) (b) dengan yang berikut— "(b) keep or have in his possession, custody or control; or".
Sekshen 10	... 1. Gantikan perkataan "five thousand" dan "two years" yang terdapat dalam sekshen-kecil (1) masing² dengan perkataan "ten thousand" dan "three years". 2. Gantikan perkataan "two thousand" dan "one year" yang terdapat dalam sekshen-kecil (2) masing² dengan perkataan "five thousand" dan "two years".
Sekshen 11	... 1. Gantikan perkataan "Part III" yang terdapat dalam sekshen-kecil (1) dengan perkataan "Parts III, IV and V". 2. Gantikan sekshen-kecil (2) dengan yang berikut— "(2) If it appears to the Minister that any other derivative of cocaine or morphine or of any salts of cocaine or morphine or of any other alkaloid of opium or any other drug of whatever kind or any substance whatever is or is likely to be productive, if improperly used, or is capable of being converted into a substance which is, or is likely to be productive, if improperly used, of ill effects substantially of the same character or nature as or analogous to those produced by cocaine or morphine, the Minister may by order declare that this Part of this Ordinance shall apply to that derivative or alkaloid or other drug or that substance in the same manner as it applies to the drugs mentioned in subsection (1) of this section." 3. Masokkan sekshen-kecil (3) baharu yang berikut— "(3) The Minister may by order amend Parts III, IV and V of the First Schedule to this Ordinance by including therein any drug or substance in respect of which an order has been made under the provisions of subsection (2) of this section or by removing therefrom any drug or substance which has been exempted from the provisions of this Ordinance by an order or regulations made under the provisions of section 45 of this Ordinance."

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- Sekshen 12 ...** 1. Gantikan yang berikut bagi sekshen-kecil (1):
- “(1) No person shall except under the authorisation of the Minister—
- (a) import into the Federation any dangerous drug specified in Parts III, IV and V of the First Schedule to this Ordinance; or
- (b) export from the Federation any dangerous drug specified in Parts III and IV of the First Schedule to this Ordinance.”.
2. Nomborkan sa-mula sekshen-kecil (2) sa-bagai sekshen-kecil (3) dan masokkan sekshen-kecil (2) baharu yang berikut—
- “(2) No person shall have in his possession, custody or control any dangerous drug to which this Part applies unless he is authorised to be in possession, custody or control of such drug or is deemed to be so authorised under this Ordinance or the regulations made thereunder.”.
- Sekshen 13 ...** Gantikan perkataan “to which this Part applies” yang terdapat dalam perenggan (a) dengan perkataan “specified in Parts III and IV of the First Schedule to this Ordinance”.
- Sekshen 14 ...** Gantikan perkataan “to which this Part applies” yang terdapat dalam sekshen-kecil (1) dengan perkataan “specified in Parts III and IV of the First Schedule to this Ordinance”.
- Sekshen 15 ...** Gantikan perkataan “to which this Part applies” yang terdapat dalam perenggan (a) dengan perkataan “specified in Parts III and IV of the First Schedule to this Ordinance”.
- Sekshen 16 ...** 1. Gantikan perkataan “to which this Part applies” yang terdapat dalam sekshen-kecil (1) dengan perkataan “specified in Parts III, IV and V of the First Schedule to this Ordinance”.
2. Gantikan perkataan “to which this Part applies” yang terdapat dalam perenggan (a) sekshen-kecil (2) dengan perkataan “specified in Parts III, IV and V of the First Schedule to this Ordinance”.
- Sekshen 17 ...** 1. Gantikan perkataan “13th day of July, 1931” yang terdapat dalam sekshen-kecil (1) dengan perkataan “30th day of March, 1961”.
2. Masokkan yang berikut sa-lepas perkataan “purposes” yang terdapat dalam baris 7 sekshen-kecil (1)—
- “or not being a substance listed in the First Schedule to this Ordinance”.

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	3. Gantikan perkataan "article II of the Geneva Convention (No. 2)" yang terdapat dalam sekshen-kecil (2) dengan perkataan "article 3 of the Single Convention".
Sekshen 18 ...	Gantikan yang berikut bagi taarif "convention"— "‘Convention’ means the Single Convention."
Sekshen 22 ...	Nomborkan sa-mula sekshen-kecil (4) sa-bagai sekshen-kecil (5) dan masukkan sekshen-kecil (4) baharu yang berikut— "(4) Notwithstanding the provisions of this section the Minister may in his absolute discretion authorise the temporary removal for safe custody of such quantities of dangerous drugs as may reasonably form part of the medical stores of any ship or aircraft on such terms and subject to such conditions as he shall think fit."
Sekshen 27 ...	1. Gantikan perkataan "or any islet," yang terdapat dalam sekshen-kecil (5) dengan perkataan "or any aircraft, islet,". 2. Gantikan sekshen-kecil (6) dengan yang berikut— "(6) Any police officer or officer of customs may, for the purpose of carrying out the provisions of this Ordinance, board any ship, not being or having the status of a ship of war, or any aircraft and remain on board as long as such ship or aircraft remains in the Federation." 3. Masukkan perkataan "aircraft," sa-lepas sahaja perkataan "(not being or having the status of a ship of war)," yang terdapat dalam sekshen-kecil (7).
Sekshen 45 ...	1. Gantikan perenggan kecil (i) perenggan (a) dengan yang berikut— "(i) the Secretary-General of the United Nations Organisation shall have communicated to the parties to the Single Convention under the provision of article 3 of the said Convention a decision of the Commission". 2. Gantikan perenggan (b) dengan yang berikut— "(b) any hospital, infirmary, dispensary wholly or mainly maintained by a public authority out of public funds or such like institutions as he may approve from time to time."

Peruntukan² yang
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Sekshen 45A (baharu) Masokkan sekshen 45A baharu yang berikut—

“Power of
the Minister
to vary First
Schedule.

45A. If—

- (a) it appears to the Minister that a decision of the Commission or of the United Nations Organisation to alter any of the Schedules to the Single Convention or to apply to a substance, measures of control applicable under that Convention to substances specified in Schedule 1 thereto, requires the addition of a substance to the First Schedule to this Ordinance; or
- (b) it appears to him probable that there will be taken such a decision as aforesaid of the Commission or of the United Nations Organisation as will require the addition of a substance to the First Schedule to this Ordinance and that, in the circumstances of the case, it is expedient to anticipate the decision; or
- (c) he considers it expedient to add a substance to, or remove a substance from, or vary the First Schedule to this Ordinance;

he may by order make the requisite modifications in the said First Schedule.”.

Jadual Pertama Gantikan yang berikut bagi Jadual Pertama :

“FIRST SCHEDULE

(Sections 2, 11 (1) and 17 (3))

PART I

Raw Opium
Coca Leaves
Poppy Straw
Cannabis

PART II

Prepared Opium
Cannabis
Resin of Cannabis and substances of which such
Resin forms the base

Peruntukan² yang
di-pinda

Jenis Pindaan

PART III

Acetorphine
 Acetylmethadol
 Allylprodine
 Alphacetylmethadol
 Alphameprodine
 Alphamethadol
 Alphaprodine
 Aniloridine
 Benzethidine
 Benzylmorphine
 Betacetylmethadol
 Betamethadol
 Betaprodine
 Cannabis (Indian Hemp) and Cannabis resin
 (Resin of Indian Hemp)
 Clonitazene
 Coca Leaf
 Cocaine
 Codoxime
 Concentrate of poppy straw (the material arising
 when poppy straw has entered into a process for
 the concentration of its alkaloids, when such
 material is made available in trade)
 Desomorphine
 Dextramoramide
 Diampromide
 Diethylthiambutene
 Dihydromorphine
 Dimenoxadol
 Dimepheptanol
 Dimethylthiambutene
 Dioxaphetyl butyrate
 Diphenoxylate
 Dipipanone
 Ecgonine
 Ethylmethylthiambutene
 Etonitazene
 Etorphine
 Etosexidine
 Fentanyl
 Furethidine

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Heroin
 Hydrocodone
 Hydromorphenol
 Hydroxypethidine
 Isomethadone
 Ketobemidone
 Levomethorphan
 Levomoramide
 Levophenacymorphan
 Levorphanol
 Metazocine
 Methadone
 Methadone-Intermediate
 Methyl-desorphine
 Methyl-dihydromorphine
 Metopon
 Moramide-Intermediate
 Morpheridine
 Morphine
 Morphine Methobromide and other pentavalent
 nitrogen morphine derivatives, including in parti-
 cular the morphine-N-oxide derivatives, one of
 which is Codeine-N-oxide
 Morphine-N-oxide
 Myrophine
 Nicodicodine
 Nicomorphine
 Noracymethadol
 Norlevorphanol
 Normethadone
 Normorphine
 Norpipanone
 Opium
 Oxycodone
 Oxy-morphone
 Pethidine
 Pethidine-Intermediate—A
 Pethidine-Intermediate—B
 Pethidine-Intermediate—C
 Phenadoxone
 Phenampromide

Peruntukan² yang
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Jenis Pindaan

Phenazocine

Phenomorphane

Phenoperidine

Piminodine

Piritramide

Propheptazine

Properidine

Racemothorphan

Racemoramide

Racemorphan

Thebacon

Thebaine

Trimeperidine

The isomers, unless specifically excepted, of the drugs in this Part whenever the existence of such isomers is possible within the specific chemical designation;

The esters and ethers, unless appearing in another Part, of the drugs in this Schedule whenever the existence of such esters or ethers is possible;

The salts of the drugs listed in this Part, including the salts of esters, ethers and isomers as provided above whenever the existence of such salts is possible.

PART IV

Acetyldihydrocodeine

Codeine

Dihydrocodeine

Ethylmorphine

Nicocodine

Norcodeine

Pholcodine

The isomers, unless specifically excepted, of the drugs in this Part whenever the existence of such isomers is possible within the specific chemical designation;

The salts of the drugs listed in this Part, including the salts of the isomers as provided above whenever the existence of such salts is possible.

Peruntukan² yang
di-pinda

Jenis Pindaan

PART V

PREPARATION FOR THE EXPORT OF WHICH EXPORT AUTHORISATIONS ARE NOT REQUIRED

1. Preparations of:

Acetyldihydrocodeine

Codeine,

Dihydrocodeine

Ethylmorphine,

Norcodeine, and

Pholcodine

when compounded with one or more other ingredients and containing not more than 100 milligrammes of the drug per dosage unit and with a concentration of not more than 2.5 per cent in undivided preparations.

2. Preparations of cocaine containing not more than 0.1 per cent of cocaine calculated as cocaine base and preparations of opium or morphine containing not more than 0.2 per cent of morphine calculated as anhydrous morphine base and compounded with one or more other ingredients and in such a way that the drug cannot be recovered by readily applicable means or in a yield which would constitute a risk to public health.

3. Preparations of diphenoxylate containing not more than 2.5 milligrammes of diphenoxylate calculated as base and not less than 25 microgrammes of atropine sulphate per dosage unit.

4. Pulvis ipecacuanhae et opil compositus

10 per cent opium in powder

10 per cent ipecacuanha root, in powder

well mixed with 80 per cent of any other powdered ingredient containing no drug.

5. Preparations conforming to any of the formulae listed in this Part and mixtures of such preparations with any material which contains no drug.”.

Jadual Kedua
(Borang A)

(1) Gantikan perkataan “and Indian hemp” yang terdapat dalam perenggan (1) Borang A dengan perkataan “, poppy-straw and cannabis”.

(2) Gantikan perkataan dalam kandungan yang terdapat dalam perenggan (2) Borang A dengan perkataan “in the case of drugs and preparations included in Schedules I, II and III to the Single Convention”.

Peruntukan ² yang di-pinda	Jenis Pindaan
Jadual Kedua (Borang B)	Gantikan perkataan "exported by ship" dan "International Opium Convention, 1925, article 25," yang terdapat dalam perenggan (3) dalam Peringatan dalam Borang B, masing ² dengan perkataan "for the export of which" dan "the Single Convention, article 31,". Gantikan perkataan "Name and date of exporter" yang terdapat dalam Borang E dengan perkataan "Date of export".
Jadual Kedua (Borang E)	Gantikan perkataan "Name and date of exporter" yang terdapat dalam Borang E dengan perkataan "Date of export".

HURAIAN

Menurut kuasa² dharurat, Yang di-Pertuan Agong telah mengishtiharkan Ordinan No. 82 (Kuasa² Perlu) Dharurat, 1971 untuk meminda Ordinan Badah Berbahaya, 1952 bagi maksud² yang berikut—

- (a) Pindaan² (kechuali pindaan² kepada sekshen² 6, 9 dan 10) telah di-buat supaya menepati peruntukan² Single Convention on Nacortic Drugs, 1961 dalam mana Malaysia ada-lah menjadi satu pehak;
- (b) Sekshen 6 dan 9 telah di-pinda untuk menjadikan kesalahan bagi sa-saorang menyimpan atau mempunyai dalam jagaan atau kawalan-nya apiun mentah atau apiun yang telah di-masak. Peruntukan² yang dahulu hanya melitupi kesalahan kerana memileki apiun tersebut;
- (c) Pindaan² kepada sekshen 10 ia-lah untuk memperberat hukuman kerana kesalahan menggunakan premis² untuk menjual atau menghisap apiun dan juga kerana memileki alat² menghisap apiun ia-itu dari \$5,000 atau dua tahun penjara hingga \$10,000 atau tiga tahun penjara. Mengenai kesalahan kerana menggunakan apiun, hukuman telah di-perberat dari \$2,000 atau satu tahun penjara hingga \$5,000 atau dua tahun penjara.

2. Tujuan Rang Undang² ini ia-lah untuk memasokkan Ordinan Dharurat di-atas itu dalam undang² yang kekal. [PN. (U².) 160.]