

(Unofficial translation)



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

President Office

No. 028/PO
Vientiane Capital, dated 17 January 2013

Decree
of the
President
of the
Lao People's Democratic Republic

**On the Promulgation of the Amended Article 146 of the Law on Criminal Procedure and
Articles 75 & 76 of the Law on Drugs**

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- Pursuant to Session VI, Article 67, point 1 of the Constitution of the Lao People's Democratic Republic;
 - Pursuant to the Resolution of the National Assembly No. 034/NA, dated 11 December 2012;
 - Pursuant to the letter from the Standing Committee of National Assembly No. 03/SCNA, dated 04 January 2013.

**The President of
the Lao People's Democratic Republic Decrees:**

Article 1. To promulgate the amended article 146 of the Law on Criminal Procedure and articles 75 & 76 of the Law on Drugs.

Article 2. This presidential decree enters into force from the date of its signature.

President of the Lao PDR

[Signature and seal]

Choummaly Sayasone

(Unofficial translation)



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 034/NA

Resolution
of the
National Assembly
of the
Lao People's Democratic Republic

On the decision to adopt the law on the Amendment of Article 146 of the Law on Criminal Procedure and Articles 75 &, 76 of the Law on Drugs

- Pursuant to Article 53, point 2 of the Constitution and Article 3, point 1 of Law on the National Assembly of the Lao People's Democratic Republic regarding the rights and roles of the National Assembly;

After deep and broad study and consideration by the 4th Ordinary Session of the VII Assembly of the National Assembly on the content of the Law on the amendment of Article 146 of the law on criminal procedures and Articles 75, 76 of the Law on Drugs in the afternoon agenda of the meeting on the 11 December 2012;

The National Assembly agrees:

Article 1. To adopt the Law on the amendment of article 146 of the Law on Criminal Procedure and articles 75 & 76 of the Law on Drugs with the majority votes.

Article 2. This resolution enters into force from the date of its signature.

Vientiane Capital, 11 December 2012
President of the National Assembly
[Signature and seal]

Pany Yathotou

(Unofficial translation)



LAO PEOPLE'S DEMOCRATIC REPUBLIC
PEACE INDEPENDENCE DEMOCRACY UNITY PROSPERITY

National Assembly

No. 22/NA
Vientiane Capital, dated 11 December 2012

**Law on Amendment
of Article 146 of the Law on Criminal Procedure and
Articles 75 & 76 of the Law on Drugs**

Article 1. Purpose

This Law is issued to amend the provisions of article 146 of the Law on Criminal Procedure No. 12/NA, dated 09 November 2005 and articles 75 & 76 of the Law on Drugs, dated 10/NA, dated 25 December 2007.

**Article 2. The amendment of article 146 of the Law on Criminal Procedure with regard to
production, trade, consumption or possession**

Any person who produces, trades, distributes or possesses, imports, exports, transports or transits through the Lao PDR the prohibited drugs such as heroin, morphine, cocaine, ecstasy, amphetamine, methamphetamine (ice), chemical for producing drugs, opium or marijuana shall be prosecuted according to the law as follows:

1. Any person who produces, trades, distributes or possesses, imports, exports, transports and transits through the Lao PDR the heroin, morphine or cocaine over zero point two (0.2) gram to one hundred (100) grams shall be punished with deprivation of liberty from 10 years to 15 years and shall be fined from 50,000,000 Kip to 100,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

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Any person produces, trades, distributes or possesses, imports, exports, transports or transits through the Lao PDR in a frequent and organized manner the heroin, morphine or cocaine over one hundred (100) grams to three hundred (300) grams shall be punished with deprivation of liberty from 15 years to 20 years and shall be fined from 100,000,000 Kip to 500,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who produces, trades, distributes or possesses, imports, exports, transports or transits through the Lao PDR the heroin, morphine or cocaine over three hundred (300) grams to five hundred (500) grams shall be punished with life sentence and shall be fined from 500,000,000 Kip to 1,000,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who produces, trades, distributes or possesses, imports, exports, transports or transits through the Lao PDR the heroin, morphine or cocaine over three hundred (500) grams shall be sentenced to death.

2. Any person who produces, processes or possesses, trades, imports, exports, transports or transits through the Lao PDR the ecstasy, amphetamine, methamphetamine (ice) or materials comprising those that seriously stimulate or suppress the nerves over zero point three (0.3) grams to one hundred (100) grams shall be punished with deprivation of liberty from 5 years to 10 years and shall be fined from 10,000,000 Kip to 100,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who produces, processes or possesses, trades, distributes, imports, exports, transports or transits through the Lao PDR in a frequent and organized manner the ecstasy, amphetamine, methamphetamine (ice) or materials effecting nervous system or has the ecstasy, amphetamine, methamphetamine (ice) or materials effecting nervous system over one hundred (100) grams to five hundred (500) grams shall be punished with deprivation of liberty from 10 years to 20 years and shall be fined from 100,000,000 Kip to 500,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who produces, processes or possesses, trades, distributes, imports, exports, transports or transits through the Lao PDR the ecstasy, amphetamine, methamphetamine (ice) or materials effecting nervous system over five hundred (500) grams to three (3) kilograms shall be punished with life sentence and shall be fined from 500,000,000 Kip to

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1,000,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who produces, processes or possesses, trades, distributes, imports, exports, transports or transits through the Lao PDR the ecstasy, amphetamine, methamphetamine (ice) or materials effecting nervous system over three (3) kilograms shall be sentenced to death.

3. Any person who produces, processes or having chemical materials in possession, trades, distributes, imports, exports, transports or transits through the Lao PDR the chemical material for producing drugs less than five hundred (500) grams shall be punished with deprivation of liberty from 5 years to 10 years and shall be fined from 5,000,000 Kip to 20,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who produces, processes or possesses, trades, distributes, imports, exports, transports or transits through the Lao PDR the chemical material for producing drugs in a frequent and organized manner or has the chemical materials for producing drugs from five hundred (500) grams to one (1) kilogram shall be punished with deprivation of liberty from 10 years to 20 years and shall be fined from 20,000,000 Kip to 50,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who produces, processes or possesses, trades, distributes, imports, exports, transports or transits through the Lao PDR the chemical materials for producing drugs over one (1) kilogram to ten (10) kilograms shall be punished with life sentence and shall be fined from 50,000,000 Kip to 100,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who produces, processes or possesses, trades, distributes, imports, exports, transports or transits through the Lao PDR the chemical materials for producing drugs over ten (10) kilograms shall be sentenced to death.

4. Any person who produces or has opium in possession, imports, exports, transports or transits opium through the Lao PDR for commercial purpose less than one (1) kilogram shall be punished with deprivation of liberty from 2 years to 7 years and shall be fined from 1,000,000 Kip to 10,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who produces or has the opium in possession, imports, exports, transports or transits the opium through the Lao PDR for commercial purpose in a frequent and

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organized manner from one (1) kilogram to three (3) kilograms shall be punished with deprivation of liberty from 10 years to 15 years and shall be fined from 15,000,000 Kip to 20,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who produces or has the opium in possession, imports, exports, transports or transits the opium through the Lao PDR for commercial purpose in a frequent and organized manner or has the opium more than three (3) kilograms to five (5) kilograms shall be punished with life sentence from 15 years to 20 years and shall be fined from 30,000,000 Kip to 40,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who produces or has the opium in possession, imports, exports, transports or transits the opium through the Lao PDR over five (5) kilograms shall be punished with life sentence and shall be fined from 50,000,000 Kip to 100,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

Any person who possesses opium seeds for the first time shall be criticized in front of the public and shall be fined from 100,000 Kip to 500,000 Kip and shall destroy that opium seeds.

Any person who possesses the opium seeds for the second time shall be punished with deprivation of liberty from three months to one year and shall be fined from 1,000,000 Kip to 5,000,000 Kip and shall destroy that opium seeds.

Any person who grows opium plants for the first time shall be criticized in front of the public and shall be fined from 1,000,000 Kip to 5,000,000 Kip and shall destroy that opium plants.

Any person who grows the opium plants more than twice shall be punished with deprivation of liberty from one year to three years and shall be fined from 5,000,000 Kip to 20,000,000 Kip and shall destroy that opium plants.

Any person who trades or possesses young opium plants for the first time shall be criticized in front of the public and shall be fined from 100,000 Kip to 500,000 Kip and shall destroy that young opium plant.

Any person who trades or possesses the young opium plants more than twice shall be punished with deprivation of liberty from three months to one year and shall be fined from 500,000 Kip to 3,000,000 Kip and shall destroy the young opium plant.

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5. Any person who grows marijuana from three (3) kilograms to ten (10) kilograms (raw marijuana) for commercial purposes shall be punished with deprivation of liberty from three months to one year and shall be fined from 500,000 Kip to 5,000,000 Kip.

Any person who grows marijuana over ten (10) kilograms (raw marijuana) for commercial purpose shall be punished with deprivation of liberty from one year to three years and shall be fined from 5,000,000 Kip to 20,000,000 Kip.

Any person who produces or has dried marijuana in possession, imports, exports, transports or transits dried marijuana for commercial purpose through the Lao PDR from five (5) kilograms to ten (10) kilograms shall be punished with deprivation of liberty from three years to seven years and shall be fined from 5,000,000 Kip to 20,000,000 Kip.

Any person who produces or has the dried marijuana in possession, imports, exports, transports or transits the dried marijuana for commercial purpose in a frequent and organized manner through the Lao PDR or has the dried marijuana over ten (10) kilograms shall be punished with deprivation of liberty from five years to ten years and shall be fined from 20,000,000 Kip to 50,000,000 Kip.

Chemical marijuana (Tetrahydrocannabinol, Hashish) and derivatives of chemical marijuana:

- Persons possessing in weight over zero point three (0.3) grams to fifty (50) grams shall be punished with deprivation of liberty from two years to four years and shall be fined from 5,000,000 Kip to 9,000,000 Kip;

- Persons possessing in weight over fifty (50) grams to one hundred (100) grams shall be punished with deprivation of liberty from five years to seven years and shall be fined from 10,000,000 Kip to 29,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

- Persons possessing in weight over one hundred (100) grams to two hundred (200) grams shall be punished with deprivation of liberty from ten years to fourteen years and shall be fined from 30,000,000 Kip to 59,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

- Persons possessing in weight over two hundred (200) grams to five hundred (500) grams shall be punished with deprivation of liberty from fifteen years to twenty years and shall be fined from 60,000,000 Kip to 99,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

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- Persons possessing in weight over five hundred (500) grams shall be punished with life sentence and shall be fined from 100,000,000 Kip to 200,000,000 Kip and the property shall be confiscated as stated in article 34 of the Criminal Procedure Law;

6. Any person who produces, trades, distributes or possesses, imports, exports, transports or transits counterfeit drugs through the Lao PDR shall be considered as follows:

- After the testing of counterfeit drugs it is found that there is a combination of the drugs and other chemicals, the traders shall be punished based on the weight and types of drugs as stated in the above paragraph of this article;

- After the testing of counterfeit drugs it is found that there is no combination of real drugs, sellers or buyers shall be punished with deprivation of liberty from three years to five years and shall be fined from 5,000,000 Kip to 10,000,000 Kip;

7. Any person who takes drugs or possesses for personal use the heroin, morphine, or cocaine less than zero point two (0.2) grams or ecstasy, amphetamine, methamphetamine (ice) less than zero point three (0.3) grams shall be regarded as victims who need to be treated on the case by case basis.

Any person who possesses for personal use the heroin, morphine or cocaine over zero point two (0.2) grams to two (2) grams shall be punished with deprivation of liberty from two years to ten years and shall be fined from 10,000,000 Kip to 50,000,000 Kip.

Any person who possesses for personal use the ecstasy, amphetamine, methamphetamine (ice) over zero point three (0.3) grams to three (3) grams shall be punished with deprivation of liberty from one year to five years and shall be fined from 10,000,000 Kip to 50,000,000 Kip.

Any person who provides service for opium smoking shall be punished with deprivation of liberty from three to ten years and shall be fined from 5,000,000 Kip to 20,000,000 Kip.

Any person who provides service for marijuana smoking shall be punished with deprivation of liberty from three months to five years and shall be fined from 1,000,000 Kip to 5,000,000 Kip.

Any person who are addicted to marijuana smoking shall be regarded as victims who need to be treated on the case-by-case basis.

Article 3. The amendment of article 75 of the Law on Drugs concerning criminal measures

In the case of squeaking or implicating with solid evidence as stated in article 34 paragraph 4 and article 36 paragraph 4 of the Law on Drugs, those who confessed or are

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implicated shall be punished at the minimum based on the type of drugs as stated in Article 146 of the Law on criminal procedure and their property shall be confiscated as stated in article 34 of the Criminal Procedure Law.

Article 4. The amendment of article 76 of the Law on Drugs concerning measures for recovery persons from drugs addicted returning re-addicted.

- Persons using drugs for the first time shall be criticized in front of the public and shall be fined from 100,000 Kip to 300,000 Kip;
- Persons using drugs for the second time shall be punished with deprivation of liberty from three months to one year and shall be fined from 300,000 Kip to 500,000 Kip;
- Persons using drugs for over three times shall be punished with deprivation of liberty from three months to one year and shall be fined from 500,000 Kip to 5,000,000 Kip.

Article 5. Effectiveness

This law shall enter into force after ninety days from the date when the President of the Lao People's Democratic Republic issues a decree for its promulgation and shall replace the provisions of article 146 of the Law on Criminal Procedure and articles 75 & 76 of the Law on Drugs.

President of the National Assembly

[Signature and seal]

Pany Yathotou