

**SELECTED PROVISIONS OF ACT NO. 40/2009 COLL., THE CRIMINAL CODE,
RELATING TO UNAUTHORISED HANDLING OF NARCOTIC AND PSYCHOTROPIC
SUBSTANCES**

**SECTION 283
UNAUTHORISED PRODUCTION AND OTHER HANDLING OF NARCOTIC AND PSYCHOTROPIC
SUBSTANCES AND POISONS**

(1) Whoever without authorisation produces, imports, exports, transports through the country, offers, traffics in, sells, or otherwise procures or holds in its possession for another a narcotic or psychotropic substance, a preparation containing a narcotic or psychotropic substance, a drug precursor or a poison, shall be punished by imprisonment for a term of between one and five years, or by a fine.

(2) Offenders under subsection 1 above shall be punished by imprisonment for a term of between two and ten years, or by forfeiture of an item of property or asset, if they committed such a crime

- a) as a member of an organised group,
- b) despite having been convicted of or punished for such a crime in the three years preceding,
- c) on a substantial scale, or
- d) on a significant scale in relation to a child, or involving a quantity greater than small in relation to a child of below the age of fifteen.

(3) Offenders shall be punished by imprisonment for a term of between eight and twelve years, or by forfeiture of an item of property or asset, if

- a) they caused by a crime under subsection 1 severe injury to health,
- b) they committed such a crime with the intention of obtaining substantial benefit for themselves or for another,
- c) they committed such a crime on a large scale, or
- d) they committed such a crime on a significant scale in relation to a child of below the age of fifteen.

(4) Offenders shall be punished by imprisonment for a term of between ten and eighteen years, or by forfeiture of an item of property or asset, if

- a) they caused by a crime under subsection 1 severe injury to the health of at least two persons or death,
- b) they committed such a crime with the intention of obtaining large-scale benefit for themselves or for another, or
- c) they committed such a crime in association with an organised group operating in several states.

(5) Preparation is a punishable offence.

**SECTION 284
POSSESSION OF NARCOTIC AND PSYCHOTROPIC SUBSTANCES AND POISONS**

(1) Whoever without authorisation possesses for their own use in a quantity greater than small the narcotic substance cannabis, cannabis resin (hashish), or a psychotropic substance containing in any form tetrahydrocannabinol, or an isomer or a stereochemical variant thereof (THC), shall be punished by imprisonment for a term of up to one year, by prohibition of business activity, or by forfeiture of an item of property or asset.

(2) Whoever without authorisation possesses for their own use a narcotic or psychotropic substance other than that stated in subsection 1 or a poison in a quantity greater than small shall be punished by imprisonment for a term of up to two years, by prohibition of business activity, or by forfeiture of an item of property or asset.

(3) Offenders under subsections 1 or 2 above shall be punished by imprisonment for a term of between six months and five years, or by a fine, if they committed such a crime on a significant scale.

(4) Offenders under subsections 1 or 2 above shall be punished by imprisonment for a term of between two and eight years if they committed such a crime on a substantial scale.

SECTION 285
UNAUTHORISED CULTIVATION OF PLANTS
CONTAINING NARCOTIC OR PSYCHOTROPIC SUBSTANCES

(1) Whoever without authorisation cultivates, for their own use and in a quantity greater than small, the cannabis plant shall be punished by imprisonment for a term of up to six months, by a fine, or by forfeiture of an item of property or asset.

(2) Whoever without authorisation cultivates, for their own use and in a quantity greater than small, a mushroom or a plant other than that stated in subsection 1 containing a narcotic or psychotropic substance shall be punished by imprisonment for a term of up to one year, by a fine, or by forfeiture of an item of property or asset.

(3) Offenders under subsections 1 or 2 above shall be punished by imprisonment for a term of up to three years, or by a fine, if they committed such a crime on a significant scale.

(4) Offenders under subsections 1 or 2 above shall be punished by imprisonment for a term of between six months and five years if they committed such a crime on a substantial scale.

SECTION 286
PRODUCTION AND POSSESSION OF ARTICLES FOR THE UNAUTHORISED PRODUCTION OF
NARCOTIC AND PSYCHOTROPIC SUBSTANCES AND POISONS

(1) Whoever produces, procures for themselves or another, or holds in their possession a drug precursor or other article designed for the unauthorised production of a narcotic or psychotropic substance, a preparation containing a narcotic or psychotropic substance, or a poison, shall be punished by imprisonment for a term of up to five years, by a fine, by prohibition of business activity, or by forfeiture of an item of property or asset..

(2) Offenders shall be punished by imprisonment for a term of between two and ten years if

- a) they committed a crime under subsection 1 as a member of an organised group,
- b) they committed such a crime on a substantial scale,
- c) they committed such a crime on a significant scale in relation to a child, or
- d) they obtained substantial benefit for themselves or another from such a crime.

SECTION 287
SPREADING OF DRUG ADDICTION

(1) Whoever induces another to abuse an addictive substance other than alcohol, or abets another in so doing, or who otherwise instigates or spreads abuse of such a substance shall be punished by imprisonment for a term of up to three years, or by prohibition of business activity.

(2) Offenders under subsection 1 above shall be punished by imprisonment for a term of between one and five years, or by a fine, if they committed such a crime

- a) as a member of an organised group,
- b) in relation to a child, or
- c) via print media, film, radio, television, a publicly accessible computer network, or in some other manner of similar effect.

(3) Offenders under subsection 1 above shall be punished by imprisonment for a term of between two and eight years if they committed such a crime in relation to a child of below the age of fifteen.

SECTION 289 JOINT PROVISIONS

(1) The law stipulates those substances deemed to be narcotic substances, psychotropic substances, preparations containing a narcotic or psychotropic substance, and drug precursors used for the unauthorised production of narcotic or psychotropic substances.

(2) Under a decree the Government stipulates those substances deemed to be poisons in the meaning of sections 283, 284 and 286 and what quantity is deemed to be a quantity greater than small as regards narcotic substances, psychotropic substances, preparations containing the same, and poisons.

(3) Under a decree the Government stipulates which plants or mushrooms are deemed to be plants or mushrooms containing a narcotic or psychotropic substance pursuant to section 285 and what quantity thereof is deemed to be a quantity greater than small in the meaning of section 285.

(4) Under a decree the Government stipulates those substances deemed to be substances with an anabolic or other hormonal effect, what quantity is deemed a significant quantity in the meaning of section 288, and what constitutes a method consisting in the enhancement of oxygen transfer in the human organism and other methods with doping effect in the meaning of section 288.