

LAW NO. 2313 ON THE SUPERVISION OF NARCOTIC SUBSTANCES

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For the provisions of this Law that are no longer in force, see "Compilation of Repealed Provisions of Certain Laws in Force", Volume: 1 Page: 221

Article 1 – The import, export and sale within the country of medicinal opium and its preparations, morphine and all its salts, all ethers derived from the combination of morphine with organic acids or coal tar and their salts, coca leaf, crude cocaine and cocaine, ecgonine and tropacocaine and all their salts, all preparations containing more than 0.20 gram per cent of morphine and its salts and more than 0.10 gram per cent of cocaine and its salts, oxycodol (Eugodal), dicodide (Dicodide) and Diloudide (Diloudide), Acedicone (Acedicone) and all preparations of the substances contained in their chemical composition, are subject to the supervision of the Ministry of Health and Social Assistance. (1)

Article 2 – The preparation, import, export and sale of the substance defined in the opium convention annexed to Law No. 2108 and referred to as prepared opium is prohibited.

Article 3 – (Amended: 22/5/1979-2236/1 art.) Cultivating hemp exclusively for the purpose of producing cannabis, and the preparation, import, export and sale of cannabis in any manner whatsoever, are prohibited.

Article 4 – For the import into the country of the substances written in Article 1 that have been placed under monopoly in accordance with their special law, permission is obtained from the Ministry of Health and Social Assistance by the Monopoly Administration, and for this purpose, the type of substance, the quantity, the place from which and the means by which it is to be procured are notified. After the Ministry determines that the requested quantity does not exceed the medical and scientific needs of the country, an import certificate is issued.

————— (1) By Decree No. 88/12773 published in the Official Gazette dated 12.4.1988 and No. 19783, the chemical substance named Fenetyliline and its salts, as well as preparations containing these substances, have also been brought within the scope of this Law.

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Article 5 – The import of such substances through customs shall not be permitted unless an import certificate specific to narcotic substances is presented. It is mandatory that the quantity written in the certificate be imported in a single instance. Certificates pertaining to narcotic substances that are not imported within six months are invalid.

Article 6 – A copy of the certificates issued for the import of narcotic substances shall be sent by the Ministry of Health and Social Assistance to the authority in charge of the supervision of narcotic substances of the country that will export these substances.

Article 7 – Only pharmacists who have opened a pharmacy or commercial establishment and owners of pharmaceutical commercial establishments, having obtained permission to practise their profession in accordance with their special laws, are permitted to import into the country the preparations of the substances mentioned in Article 1 that are not placed under monopoly, and to sell all narcotic substances within the country. The provisions of Articles four, five and six shall also apply to the import into the country of preparations of narcotic substances not placed under monopoly, which they procure.

Article 8 – For the removal from the country of narcotic substances and their preparations to be manufactured by the factory to be established by the Monopoly Administration, an import certificate obtained from the competent authority of the country to which they will be exported shall be submitted to the Ministry of Health and Social Assistance. After it is ascertained by the Ministry that the certificate is valid and that the quantity to be exported will serve exclusively

medical and scientific needs, an export certificate is issued.

Article 9 – The export of such substances through customs and their loading onto means of transport shall not be permitted unless a certificate specific to the export of narcotic substances is presented. These certificates are valid for three months, and it is mandatory that the quantities they contain be exported in a single instance.

Article 10 – A copy of the certificates issued for the export of narcotic substances shall be sent by the Ministry of Health and Social Assistance to the authority in charge of the supervision of narcotic substances of the country that will import these substances.

Article 11 – Only pharmacists and laboratory owners who have previously obtained a licence in accordance with the special law are permitted to export from the country those medical preparations subject to supervision under this Law, pertaining to the narcotic substances mentioned in Article 1, which are not placed under monopoly. The provisions of Articles eight, nine and ten shall also apply to their removal from the country.

Article 12 – Save for the provisions of conventions concluded by the State, the import of crude opium into Turkey is prohibited. The Narcotic Substances Monopoly Administration may not export crude opium without an import certificate issued by the relevant authority of the country to which it will be exported, and any export made shall be reported to the Ministry of Health and Social Assistance within one week at the latest, together with the quantity, the country to which and the person in whose name it was sent, and the date and number of the import certificate. The authority of the country that issued the import certificate shall be notified by the Ministry of Health and Social Assistance.

Article 13 – An import certificate shall not be required for permission to export crude opium and other narcotic substances, in whole or in part, to countries that do not issue import certificates for such substances. However, in order for export permission to be granted for the narcotic substances written in Article 1, it is necessary that it be ascertained that the quantity to be sent is intended for medical needs. The export permission shall also be notified to the health authorities of the relevant country.

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Article 14 – The import of narcotic substances for the purpose of re-export is prohibited. Containers holding narcotic substances arriving in transit shall be sealed by the customs.

Article 15 – The retail sale of narcotic substances within the country against prescription shall be carried out exclusively in pharmacies opened in accordance with the Law on Pharmacists and Pharmacies. Pharmaceutical commercial establishments may only sell wholesale to pharmacies, official institutions and laboratories.

Article 16 – Pharmaceutical commercial establishments and pharmacies or preparation laboratories shall, for each instance, obtain a permit certificate from the Ministry of Health and Social Assistance by application, for the narcotic substances they will procure directly from the Monopoly Administration. No sale may be made by the Monopoly Administration without the presentation of a permit certificate issued by the Ministry. After the quantity and date of the sale made against these certificates are recorded, they shall be returned by the Monopoly Administration to the Ministry of Health and Social Assistance.

Article 17 – Pharmaceutical commercial establishments shall, for each sale they make, obtain a certificate from the pharmacy owner or responsible manager, or from the authorized person on behalf of the official institution, or from the responsible manager of the preparation laboratory, and shall keep these certificates for a period of five years.

Article 18 – (Repealed: 17/5/2012-6308/8 art.)

Article 19 – It shall be determined and announced by the Ministry of Health and Social Assistance by decision of the President of the Republic that other poisons, besides the narcotic substances named in Article 1, which are found as a result of scientific examination to be harmful and to cause toxicomania, shall also be subject to the provisions of this Law. (1)(2)

Article 20 – (Amended: 17/6/1982-2683/1 art.) (3)

Narcotic substances that are attempted to be brought into the country through customs without authorization, that are found to be sold without authorization within the country, or that are found in the possession of persons lacking legal authority in any manner whatsoever, shall be seized by drawing up a report by any one of the law enforcement officers, officials of the Ministry of Customs and Trade, inspectors and directors of the Ministry of Health and Social Assistance, government physicians, health center physicians, or officials of the border and coastal health organization. Both these substances and those manufactured without authorization or seized by the Ministry of Customs and Trade while being attempted to be exported, whether their owners are identified or not, shall be placed under preservation by the Office of the Republic Chief Public Prosecutor as evidence of the offense. In order to definitively determine the type, nature, and quantity of the seized narcotic substance, a sufficient amount of sample material shall be taken for analyses and sent to the relevant laboratories in accordance with the prescribed procedure.

FOR THE FOOTNOTES ON THIS PAGE, SEE PAGE 1356.

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————— (1) a) By the Decree of the Council of Ministers dated 16/12/2013 and numbered 2013/5742, the substances included in the list annexed to the Decree were brought within the scope of the provisions of Law No. 2313. b) By the Decree of the Council of Ministers dated 22/5/2013 and numbered 2013/4827, the substances included in the list annexed to the Decree were brought within the scope of the provisions of Law No. 2313. c) By the Decree of the Council of Ministers dated 3/1/2014 and numbered 2014/5818, the substances included in the list annexed to the Decree were brought within the scope of the provisions of Law No. 2313. ç) By the Decree of the Council of Ministers dated 15/9/2014 and numbered 2014/6800, the substances included in the list annexed to the Decree were brought within the scope of the provisions of Law No. 2313. d) By the Decree of the Council of Ministers dated 26/1/2015 and numbered 2015/7238, the substances included in the list annexed to the Decree were brought within the scope of the provisions of Law No. 2313. e) For the implementation of this Article, see the Decree annexed to the Decree of the Council of Ministers dated 16/2/2016 and numbered 2016/8548. f) By the Decree of the Council of Ministers dated 27/12/2016 and numbered 2016/9712, the substances included in the list annexed to the Decree were brought within the scope of the provisions of Law No. 2313. g) By the Decree of the Council of Ministers dated 3/7/2017 and numbered 2017/10559, the substances included in the list annexed to the Decree were brought within the scope of the provisions of Law No. 2313. ğ) By the Decree of the Council of Ministers dated 30/4/2018 and numbered 2018/11697, the substances included in the list annexed to the Decree were brought within the scope of the provisions of Law No. 2313. (2) By Article 12 of the Decree Law dated 2/7/2018 and numbered 700, the term "Council of Ministers" in this Article was replaced with "President of the Republic" and incorporated into the text. (3) By Article 40 of the Decree Law dated 3/6/2011 and numbered 640, the terms "customs and monopoly" and "Monopoly Administration" in the first paragraph of this Article were replaced with "Ministry of Customs and Trade" and incorporated into the text.

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(Amended paragraph: 28/3/2023-7445/7 art.) After the definitive reports on the narcotic substances have been obtained, a decision on their confiscation may be rendered by the criminal judgeship of peace at any stage of the investigation, on condition that samples taken in accordance with the procedure determined in the regulation are preserved. (Amended paragraph: 28/3/2023-7445/7 art.) The narcotic substances whose confiscation has been decided shall be delivered, sealed for this purpose, to the local civilian authority. (Amended paragraph: 28/3/2023-7445/7 art.) The narcotic substances taken as samples shall be confiscated together with the judgment and shall only be delivered to the local civilian authority after the judgment becomes final. (Added: 27/2/2003-4819/1 art.) Within the framework of the principles to be

determined in the regulation, narcotic substances of the type and quantity needed to be used in the training of narcotic substance detection dogs shall, upon the request of the Minister of Internal Affairs, be delivered to the relevant affiliated institutions of the Ministry of Internal Affairs; upon the request of the Minister of National Defense, to the Turkish Armed Forces; upon the request of the Minister of Customs and Trade, to the General Directorate of Customs Protection; and narcotic substances of the type and quantity needed for research into the medical usability of narcotic substances shall be delivered, upon the request of the Minister of Agriculture and Rural Affairs, to the relevant affiliated institutions of the Ministry of Agriculture and Rural Affairs. (1)

The provisions of paragraph (F) of Article 27 of the Soil Products Office Law No. 3491 are reserved.

Article 21 – (Amended: 17/6/1982-2683/2 art.) The narcotic substances whose confiscation has been decided shall be destroyed in the presence of a committee chaired by an official to be appointed by the governor and attended by the provincial public prosecutor or his deputy as a supervisor. (Amended: 27/2/2003-4819/2 art.) The matters concerning the delivery, use, preservation, and destruction of narcotic substances of the type and quantity needed by the Ministry of Internal Affairs, the Turkish Armed Forces, and the Ministry of Customs and Trade for use in the training of narcotic substance detection dogs, and by the Ministry of Agriculture and Rural Affairs for research into their medical usability, shall be determined in a regulation to be put into force within six months by the Ministries of Internal Affairs, National Defense, and Agriculture and Rural Affairs, after obtaining the opinion of the Ministries of Justice and Health and the Ministry of Customs and Trade. (2)

Article 22 – Preparations of opium and cannabis that are stated as prohibited in the second and third Articles shall be seized immediately wherever they are found, and the provisions of Articles 20 and 21 shall be applied to them as well.

————— (1) By Article 40 of the Decree Law dated 3/6/2011 and numbered 640, the phrase "to the General Directorate of Customs Protection upon the request of the Minister of Customs and Trade;" was added to this paragraph after the phrase "to the Turkish Armed Forces;" and incorporated into the text. (2) By Article 40 of the Decree Law dated 3/6/2011 and numbered 640, the phrase "the Ministry of Internal Affairs and the Turkish Armed Forces" in this paragraph was replaced with "the Ministry of Internal Affairs, the Turkish Armed Forces, and the Ministry of Customs and Trade" and the phrase "their ministries" was replaced with "their Ministries and the Ministry of Customs and Trade," and incorporated into the text.

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Article 23 – (Amended: 23/5/1990-3652/1 art.) (Amended: 23/3/2023-7442/1 art.) Cannabis cultivation for the purpose of fibre, seed and stalk production, as well as for the production of flowers and leaves for the purpose of obtaining active pharmaceutical ingredients, is subject to the permission of the Ministry of Agriculture and Forestry. Licensed cannabis cultivation for the purpose of fibre, seed and stalk production shall be regulated by a regulation to be issued by the Ministry of Agriculture and Forestry. Cannabis cultivation and/or processing for the purpose of producing active pharmaceutical ingredients shall be carried out or commissioned by the General Directorate of the Turkish Grain Board. Where necessary, in accordance with the quota determined by the President of the Republic based on the supply and demand situation of the country, such activities may be commissioned to natural or legal persons under the supervision of the General Directorate of the Turkish Grain Board. In cannabis cultivation for the purpose of producing active pharmaceutical ingredients, the taking of all measures exclusively to prevent the obtaining of cannabis resin (hashish), as well as the procedures and principles regarding the harvest, processing, preparation, export or sale of cannabis shall be determined by a regulation to be issued by the Ministry of Agriculture and Forestry, after obtaining the opinions of the Ministry of Interior and the Ministry of Health.

Cultivating cannabis without permission, for whatever purpose, is prohibited. Cannabis plants cultivated without permission shall be destroyed, or caused to be destroyed, by the law enforcement officers upon the order of the highest local civil authority of the locality, based on a report to be issued by agricultural engineers employed in the organization of the Ministry of Agriculture, Forestry and Rural Affairs, or, in their absence, by agricultural technicians. The tools and equipment to be used in the destruction shall be provided from the appropriation to be allocated in the budget of the Gendarmerie General Command. The expenses arising from the destruction shall be collected from those who cultivated without permission, in accordance with the Law No. 6183 on the Procedure for the Collection of Public Receivables.

(Amended fourth paragraph: 23/1/2008-5728/77 art.) Any person who plants cannabis without obtaining a permit document, or who, despite having obtained a permit document, knowingly plants cannabis in an area larger than that specified in the document or in a place other than the place registered in the permit document, shall be sentenced to a judicial fine of not less than fifty days.

(Additional paragraph: 23/1/2008-5728/77 art.; Amended first sentence: 18/6/2014-6545/1 art.) Any person who plants cannabis for the purpose of obtaining cannabis resin (hashish) shall be sentenced to imprisonment from four years to twelve years and to a judicial fine from five hundred days to ten thousand days. (Additional sentence: 18/6/2014-6545/1 art.) Any person who plants cannabis for the purpose of obtaining the cannabis resin (hashish) they need exclusively for their own personal use shall be sentenced to imprisonment from one year to three years. For the purposes of this Article, the term "planting" shall be understood as the process from the sowing of the seed in the soil until the harvest of the crop. (1)

(Additional paragraph: 15/8/2017-Decree-Law-694/10 art.; Enacted as is: 1/2/2018-7078/10 art.) With respect to the offence of planting cannabis for the purpose of obtaining cannabis resin (hashish), the provisions of Article 135 of the Criminal Procedure Code No. 5271 dated 4/12/2004 concerning the identification, interception and recording of communications, and of Article 140 concerning surveillance by technical means, may be applied.

Article 24 – (Amended: 23/1/2008-5728/78 art.) The owners and responsible managers of pharmaceutical trading establishments who sell narcotic substances to persons other than those referred to in Article 15, and pharmacy owners or responsible managers who sell them without a physician's prescription, shall be punished in accordance with the relevant Articles of the Turkish Criminal Code.

Article 25 – (Amended: 23/1/2008-5728/79 art.) An administrative fine from five hundred Turkish Liras to two thousand Turkish Liras shall be imposed by the local civil authority on the owners and responsible managers of pharmaceutical trading establishments who neglect to obtain or to keep the documents referred to in Article 17, or who fail to keep the books referred to in this Law.

Article 26 – Pharmaceutical trading establishment owners and responsible managers who are repeatedly convicted on the grounds referred to in Article twenty-seven, or for keeping records of narcotic substances irregularly, may be temporarily or permanently barred by the Ministry of Health and Social Assistance from buying and selling narcotic substances. —————

(1) By Article 10 of Decree-Law No. 694 dated 15/8/2017, the phrase "and a judicial fine from five hundred days to ten thousand days" was added to this paragraph after the phrase "imprisonment up to twelve years"; this provision was subsequently enacted as is and became law by Article 10 of Law No. 7078 dated 1/2/2018.

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Article 27 – (Repealed: 23/1/2008-5728/578 art.)

Article 28 – (Repealed: 26/7/1983-2867/28 art.)

Article 29 – (Repealed: 23/1/2008-5728/578 art.)

Article 30 – This Law has been substituted for the provisions of Law No. 1369, the entry into force of which is stated in Article 18 of Law No. 2253, and the said Law No. 1369 has been repealed.

Prevention of the Manufacture and Distribution of Narcotic and Psychotropic Substances

Additional Article 1 – (Added: 13/11/1996-Law No. 4208/Article 16)

The manufacture, import and export, transport, possession, purchase and sale of the substances listed in Tables I and II of, and in the amendments thereto under, the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances are subject to the permission of the Ministry of Health.

When granting permission pursuant to the paragraph above, the opinions of the relevant institutions shall be obtained, and the principles and procedures for granting permission shall be set forth in a regulation to be issued by the Ministry of Health.

(Amended third paragraph: 23/1/2008-Law No. 5728/Article 80) Those who manufacture, import or export, transport or possess, purchase or sell any of the substances specified in the first paragraph without permission shall be imposed an administrative fine from ten thousand Turkish Liras up to one hundred thousand Turkish Liras by the local civilian administrator. Furthermore, it shall be decided that the ownership of such substances be transferred to the public.

(Amended fourth paragraph: 23/1/2008-Law No. 5728/Article 80) Those who manufacture, import or export, transport or possess, purchase or sell any of the substances specified in the first paragraph for the purpose of use in the manufacture of narcotic or stimulant substances shall be punished in accordance with Article 188 of the Turkish Penal Code.

The provisions of Law No. 3298 on Narcotic Substances are reserved.

Seizure of vehicles used in the offence of manufacturing and trafficking narcotic or stimulant substances

Additional Article 2 – (Added: 15/8/2017-Decree-Law No. 694/Article 11; Accepted as is: 1/2/2018-Law No. 7078/Article 11)

Vehicles used in the commission of the offence of manufacturing and trafficking narcotic or stimulant substances shall be seized in accordance with the provision of the fourth paragraph of Article 128 of Law No. 5271.

In the event that any of the following circumstances exists with respect to a vehicle seized pursuant to the first paragraph of this Article:

- a) its repeated use in the commission of the same offence while the investigation and prosecution are ongoing,
- b) its not being registered in Türkiye,
- c) its being seized together with narcotic or stimulant substances of significant quantity or value,
- ç) its having special equipment that would facilitate the commission of the offence,

the seized vehicle shall not be returned to its owner. In such case, the vehicle shall be returned to its owner if the owner deposits a security equal to the value of the vehicle with the Ministry of Finance within thirty days as of the date of seizure. Otherwise, the vehicle shall be liquidated immediately by the Ministry of Finance without awaiting the outcome of the investigation and prosecution.

In the event that the liquidation is carried out by way of sale, the remaining amount, after all expenses necessary for the preservation and sale of the vehicle are covered from the revenue obtained from the sale, shall be taken into the deposit account for action to be taken in accordance with the outcome of the prosecution. (1)

_____ [1] The third sentence of this paragraph has been annulled by the Constitutional Court's Decision dated 20/7/2022 and numbered E.: 2020/98, K.: 2022/87 with respect to sub-paragraph (c) and "liquidation by methods other than sale".

Of the value to be applied in the provision of the second paragraph, the insured value shall be understood for land vehicles; the value constituting the basis for hull and machinery insurance shall be understood for sea vessels; and the market value shall be understood for uninsured vehicles and air and railway vehicles.

Provisional Article 1 – (Being the own unnumbered provisional article of Law No. 2313, numbered for the sake of continuity.)

Raw opium exports to be carried out in accordance with the provision of the provisional article of Law No. 2253 are exempt from the provision of Article 12 of this Law. Provided that exports to be carried out in this manner shall be reported by the Narcotic Substances Monopoly Administration to the Ministry of Health and Social Assistance within one week at the latest from the date of export.

Provisional Article 2 – (Added: 28/3/2023-Law No. 7445/Article 8)

The amendments made to Article 20 by the Law introducing this article shall also apply to narcotic or stimulant substances seized prior to the date of entry into force of this article. In the prosecution phase; a decision shall be rendered immediately, with respect to the files pending before the first instance court, by that court, and, with respect to the files in the appellate or cassation remedies, by the first instance court by way of examining the UYAP records. In files from which no samples have been taken, a sufficient number of samples shall be taken.

The narcotic or stimulant substances taken as samples may be delivered to the local civilian administration only after the judgment becomes final.

Article 31 – This Law shall enter into force as of the date of its publication.

Article 32 – The Council of Ministers shall be charged with the enforcement of the provisions of this Law.

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LIST SHOWING THE DATES OF ENTRY INTO FORCE OF THE LEGISLATION INTRODUCING ADDITIONS AND AMENDMENTS TO LAW NO. 2313

Number of the Amending Law / Decree-Law Amended or annulled articles of Law No. 2313
Date of Entry into Force 2236 – 31/5/1979 2683 – 19/6/1982 2867 Articles 25 and 28 1/1/1984
Other Provisions 27/7/1983 4208 – 19/11/1996 4819 – 6/3/2003 5728 Articles 23, 24, 25, 27, 29,
Additional Article 1 8/2/2008 Decree-Law/640 Articles 20, 21 The date on which the members of
the first Council of Ministers established after the parliamentary elections held on 12/6/2011 were
appointed 6308 Article 18 31/5/2012 6545 Article 23 28/6/2014 Decree-Law/694 Articles 23,
Additional Article 2 25/8/2017 7078 Articles 23, Additional Article 2 8/3/2018 Decree-Law/700
Article 19 The date on which the President assumed office by taking the oath following the Turkish
Grand National Assembly and Presidential elections held together on 24/6/2018 (9/7/2018)
Constitutional Court's Decision dated 20/7/2022 and numbered E.: 2020/98, K.: 2022/87
Additional Article 2 17/8/2022 7442 Article 23 5/4/2023 7445 Articles 20, Provisional Article 2
5/4/2023