

CANNABIS CONTROL ACT

Act No. 2895, Apr. 7, 1976

Amended by

Act No. 3215, Dec. 28, 1979

Act No. 3441, Apr. 13, 1981

Act No. 4124, Apr. 1, 1989

Act No. 5453, Dec. 13, 1997

Act No. 5484, Dec. 31, 1997

Act No. 5529, Feb. 28, 1998

Article 1

(Purpose)

The purpose of this Act is to contribute to the improvement of national health by preventing the distribution of cannabis through proper control of it.

Article 2

(Definitions of Terms)

(1) For the purpose of this Act, the term "cannabis" means any cannabis plant (*cannabis sativa*) and its resin and all kinds of products manufactured from the cannabis plant or its resin as raw materials, excluding the seeds, roots and full grown stalks of cannabis and products thereof.

(2) For the purpose of this Act, the term "cannabis handler" means any person who falls under any of the following subparagraphs, and obtains a license under Article 5:

1. A cannabis cultivator: a person who cultivates the cannabis plant for the purpose of taking fibers or seeds: and

2. A cannabis researcher: a person who utilizes cannabis for research by cultivating the cannabis plant or importing cannabis.

Article 3

(Prohibition of Unlicensed Handling)

(1) No person other than a cannabis handler shall cultivate, possess, transact, transport, preserve or utilize the cannabis: *Provided*. That this shall not apply where a case falls under one of the following: <Amended by Act No. 3215, Dec. 28, 1979; Act No. 5484, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

1. Where a person transports, preserves or possesses the cannabis on behalf of the cannabis handler under this Act:
2. Where a disqualified cannabis handler, etc. possesses the cannabis until he hands over it to a cannabis handler under Article 12: and
3. Where a person obtains a license from the Commissioner of the Korea Food and Drug Administration on such terms and conditions as the Ordinance of the Ministry of Health and Welfare may determine.

(2) Any cannabis handler and any person handling the cannabis under the proviso of paragraph (1) shall not utilize the cannabis for any other purposes than the purposes for which they are licensed.

(3) Matters necessary for methods and procedures of transporting, preserving or possessing the cannabis under paragraph

(1) I shall be determined by the Ordinance of the Ministry of Health and Welfare. <Amended by Act No. 5484, Dec. 31, 1997>

Article 4

(Prohibition of Acts)

No person shall perform any of the following acts: *Provided*. That this shall not apply where a cannabis researcher performs such any act as defined in subparagraph 1 or 2 under license from the Commissioner of the Korea Food and Drug Administration. <Amended by Act No. 4124, Apr. 1, 1989; Act No. 5484, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

1. Acts of importing or exporting cannabis:
2. Acts of manufacturing cannabis (except the cannabis plant):
3. Acts of selling or buying cannabis, or assisting sales of cannabis:

4. Acts of smoking or eating cannabis and cannabis seedcoat: possessing cannabis, cannabis seed, or cannabis seedcoat for the purpose of smoking or eating: or knowingly selling, buying or assisting the sales of cannabis seed or cannabis seedcoat: and

5. Act of knowingly offering another person a place, facility, equipment, funds or means of transportation for performing acts referred to in subparagraphs 1 through 4.

Article 5

(License for Cannabis Handler)

(1) Any person who desires to be a cannabis handler shall obtain a license from the head of *Shi* (limited to the head of a *Shi* where no *Ku* is established: hereinafter the same shall apply)/ *Kun/Ku* as prescribed by the Ordinance of the Ministry of Health and Welfare. The same shall apply where a person intends to change the licensed matters: <Amended by Act No. 3441, Apr. 13, 1981; Act No. 5484, Dec. 31, 1997>

(2) No person who falls under any of the following subparagraphs shall be granted a license as a cannabis handler:

1. A psychopath, or a person addicted to narcotics or other habitual drugs:

2. A person who is sentenced to a penalty heavier than imprisonment without prison labor, and for whom three years have not passed after the execution of the sentence is terminated or the nonexecution of the sentence is final and decisive:

3. A person who is adjudged incompetent, quasi-incompetent or a minor: and

4. A person who is subject to a disposition of cancellation of the license as a cannabis handler under Article 14, and for whom two years have not passed thereafter.

(3) If it is deemed necessary for the public interest or for the control of cannabis, the head of *Shi/Kun/Ku* may refuse to grant any license under paragraph (1). <Amended by Act No. 3441, Apr. 13, 1981>

Article 6

(Delivery, etc. of License)

(1) The head of *Shi/Kun/Ku* shall, upon granting a license under Article 5, record the fact in the license register of cannabis handler and deliver a certificate of license on such terms and conditions as the Ordinance of the Ministry of Health and Welfare may determine. <Amended by Act No. 3441, Apr. 13, 1981; Act No. 5484, Dec. 31, 1997>

(2) When a cannabis handler loses or stains and damages the certificate of license, or there are changes in the records of the license, a certificate of license shall be redelivered on such terms and conditions as the Ordinance of the Ministry of Health and Welfare may determine. <Amended by Act No. 5484, Dec. 31, 1997>

(3) No license shall be lent or transferred.

Article 7

(Report by Cannabis Cultivators)

Any cannabis cultivator shall report the area under cultivation, present situations of production, and quantity of cannabis to the head of *Shi/Kun/Ku* on such terms and conditions as the Ordinance of the Ministry of Health and Welfare may determine. <Amended by Act No. 3441, Apr. 13, 1981; Act No. 5484, Dec. 31, 1997>

Article 8

(Report by Cannabis Researchers)

Any cannabis researcher shall report the present situations of cannabis cultivation, research, and quantity of cannabis to the head of *Shi/Kun/Ku* on such terms and conditions as the Ordinance of the Ministry of Health and Welfare may determine. <Amended by Act No. 3441, Apr. 13, 1981; Act No. 5484, Dec. 31, 1997>

Article 9

(Disposal, etc. of Cannabis)

(1) Any cannabis cultivator shall dispose of cannabis plants of his own cultivating, excluding its seeds, roots and full-grown stalks, by burning, burying or by any other means to prevent their distribution, and

report the result to the head of *Shi/Kun/Ku* on such terms and conditions as the Ordinance of the Ministry of Health and Welfare may determine. <Amended by Act No. 3441, Apr. 13, 1981; Act No. 5484, Dec. 31, 1997>

(2) If a cannabis cultivator fails to take measures for disposal under paragraph (1), the head of *Shi/Kun/Ku* may have a public official concerned dispose of the cannabis, and take other necessary measures. <Amended by Act No. 3441, Apr. 13, 1981>

Article 10

(Report on Accidents)

If any accident as referred to in any of the following subparagraphs occurs with respect to the cannabis, the cannabis handler or a person handling cannabis under the proviso of Article 3 (1) shall report it to the head of *Shi/Kun/Ku* on such terms and conditions as the Ordinance of the Ministry of Health and Welfare may determine: <Amended by Act No. 3441, Apr. 13, 1981; Act No. 5484, Dec. 31, 1997>

1. Loss or destruction due to any disaster;
2. Losing or being stolen: and
3. Decrease in quantity of stock due to deterioration or decomposition, etc..

Article 11

(Report on Discontinuance)

(1) If a cannabis handler discontinues a business pertaining to the cannabis, he shall report the fact of discontinuance to the head of *Shi/Kun/Ku* on such terms and conditions as the Ordinance of the Ministry of Health and Welfare may determine. <Amended by Act No. 3441, Apr. 13, 1981; Act No. 5484, Dec. 31, 1997>

(2) Where a cannabis handler falls under any of the following subparagraphs, the relevant person specified in each subparagraph shall report the occurrence of the fact to the license agency, on such terms and conditions as the Ordinance of the Ministry of Health and Welfare may determine. <Newly Inserted by Act No. 5484, Dec. 31, 1997>

1. In case of death: the inheritor (In case an inheritor is unidentified, a manager of the inherited property takes over the duty of the inheritor.

The same shall apply hereafter.):

2. In case of incompetency: the guardian; and

3. In case of dissolution of a juristic person: the liquidator.

Article 12

(Disposal of Cannabis by Disqualified Cannabis Handler, etc.)

When a cannabis handler is disqualified due to a cancellation of license or other causes, when a cannabis handler dies, or when a juristic person which handles cannabis is dissolved or merged, the inheritor, guardian, liquidator, or juristic person which exists after merger or is newly established shall hand over the cannabis in its possession to a cannabis handler under approval of the head of *Shi/Kun/Ku* as prescribed in the Ordinance of the Ministry of Health and Welfare: *Provided*. That when the inheritor of the cannabis cultivator, manager of the inherited property, or juristic person which exists after merger or is newly established, wants to be a cannabis cultivator and reports the fact to a license agency, it is deemed that the person has obtained a license that is valid only for the current year, as defined in Article 5 (1). <Amended by Act No. 5484, Dec. 31, 1997>

Article 12-2

(Report on Cannabis Addicts)

If a medical person prescribed in Article 2 of the Medical Service Act finds a cannabis addict, he shall report, without delay, the address, name, age and gender of the addict to the Commissioner of the Korea Food and Drug Administration through the Special Metropolitan City Mayor. Metropolitan City Mayor or *Do* governor (hereinafter referred as the "Mayor/ *Do* governor"). This provisions shall also apply when he has treated or diagnosed the death of a cannabis addict. <Amended by Act No. 5484, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

[s Article Newly Inserted by Act No. 4124, Apr. 1, 1989]

Article 12-3

(Treatment and Protection of Cannabis Addicts)

(1) In order to determine whether a cannabis user is addicted to cannabis, or to treat or protect a person who is determined to be a cannabis addict, the Commissioner of the Korea Food and Drug Administration or Mayor/

Do governor may establish, operate, or designate a treatment and protection institution. <Amended by Act No. 5484, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

(2) The Commissioner of the Korea Food and Drug Administration or Mayor/ *Do governor may have a cannabis user undergo a test to determine whether he is addicted to cannabis, or have a person who is determined to be a cannabis addict receive the treatment and protection in the treatment and protection institution as referred to in paragraph (1). In this case, the test period shall be not more than one month, and the treatment and protection period, not more than six months. <Amended by Act No. 5484, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

(3) If the Commissioner of the Korea Food and Drug Administration or Mayor/ *Do governor desires to conduct a test or treatment and protection under paragraph (2), it shall be subject to deliberation of the treatment and protection deliberative committee. <Amended by Act No. 5484, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

(4) In order to deliberate matters concerning the test and treatment and protection under paragraph (3), the treatment and protection deliberative committees shall be established in the Korea Food and Drug Administration, Special Metropolitan City, Metropolitan City and *Do. <Amended by Act No. 5484, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>*

(5) Matters necessary for establishment, operation and designation of the treatment and protection institutions, test and treatment and protection, and composition, operation, function, etc. of the treatment and protection deliberative committees under paragraphs (1) through (4) shall be determined by the Presidential Decree.

[s Article Newly Inserted by Act No. 4124, Apr. 1, 1989]

Article 13

(Inspection and Sampling)

(1) The Commissioner of the Korea Food and Drug Administration or the head of *Shi/Kun/Ku* may, if necessary, have a cannabis inspector as prescribed in Article 15 or other public officials concerned visit a cannabis cultivating area, warehouse, laboratory or other places, and inspect the situation of activities, books, documents and other things, and ask questions of interested persons, or have him sample cannabis in the minimum quantity required for a test. <Amended by Act No. 3441, Apr. 13, 1981; Act No. 5484, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998>

(2) When a cannabis inspector or other public official concerned has conducted a visit inspection, test or sampling of the cannabis under paragraph (1), he shall carry with him a certificate showing his identification, and present it to the interested persons.

Article 14

(Cancellation, etc. of License)

If a cannabis handler falls under any of the following subparagraphs, the head of *Shi/Kun/Ku* may cancel the license or order him to suspend the business: <Amended by act No. 3441, Apr. 13, 1981>

1. Where any cause as prescribed in Article 5 (2) 1 through 3 occurs:
2. Where he violates the provisions of this Act or an order issued or a disposition taken under this Act:
and
3. Where he fails to cultivate the cannabis plant, or to conduct research in cannabis for two consecutive years without any justifiable reason.

Article 14-2

(Hearing)

Where the head of *Shi/Kun/Ku* intends to cancel the license pursuant to the provisions of Article 14, he shall hold a hearing.

[s Article Wholly Amended by Act No. 5453, Dec. 13, 1997]

Article 15

(Cannabis Inspectors)

(1) In order to carry out duties of the public officials and supervisory activities on cannabis under Articles 12-3 (2) and 13 (1), the cannabis inspectors shall be assigned in the Korea Food and Drug Administration, the Special Metropolitan City, Metropolitan City, *Do* and *Shi* (limited to the *Shi*, where no *Ku* is established) /*Kun/Ku*. < Amended by Act No. 5484, Dec. 31, 1997; Act No. 5529, Feb. 28, 1998 >

(2) The qualifications and scope of duties of the cannabis inspectors and other necessary matters shall be determined by the Presidential Decree.

[s Article Wholly Amended by Act No. 4124, Apr. 1, 1989]

Article 15-2

(Honorary Cannabis Advisor)

(1) In order to prevent the misuse or overuse of cannabis and to provide information and give guidance to the public, an honorary cannabis advisor may be assigned in the Korea Food and Drug Administration, Special Metropolitan City, Metropolitan City, *Do*. *Shi/Kun/Ku* (limited only to an autonomous *Ku*). <Amended by Act No. 5529, Feb. 28, 1998 >

(2) The qualifications and scope of duties of the honorary cannabis advisor and other necessary matters shall be determined by the Presidential Decree.

[s Article Newly Inserted by Act No. 5484, Dec. 31, 1997]

Article 16

(Reward)

Any person who makes a report on, or brings an accusation against, any offence on cannabis to the investigation agency as prescribed by this Act or other Acts and subordinate statutes, or who arrests the offender before the offense is detected, shall receive a reward under the conditions as prescribed by the Presidential Decree.

[s Article Wholly Amended by Act No. 4124, Apr. 1, 1989]

Article 17

(Fee)

Any person who desires to obtain a license, change licensed matters or have a license redelivered under this Act, shall pay fees on such terms and conditions as the Ordinance of the Ministry of Health and Welfare may determine. <Amended by Act No. 5484, Dec. 31, 1997>

Article 18

(Penal Provisions)

(1) Any person who imports or exports cannabis, or possesses it for the purpose of import or export, in contravention of the provisions of subparagraph 1 of Article 4, shall be punished by imprisonment for life or not less than five years. <Amended by Act No. 5484, Dec. 31, 1997>

(2) Any person who commits on a commercial basis or habitually any act as referred to in paragraph (1), shall be punished by death penalty, imprisonment for life or not less than ten years.

(3) Any attempt to commit offenses as referred to in paragraphs (1) and (2) shall be punished.

Article 19

(Penal Provisions)

(1) Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not less than one year: <Amended by Act No. 4124, Apr. 1, 1989>

1. A person who cultivates the cannabis plant for the purpose of exporting, or selling it or manufacturing cannabis, in contravention of the provisions of Article 3 (1): and

2. A person who manufactures, sells or buys, acts as an intermediate in the selling or buying of cannabis, or possesses cannabis for the purpose of manufacturing, selling, buying or acting as an intermediate in the selling or buying of cannabis, in contravention of the provisions of subparagraph 2 or 3 of Article 4.

(2) Any attempt to commit the offense as referred to in paragraph (1) shall be punished.

(3) Any person who prepares or conspires with the intention to commit an offense referred to in paragraph (1), shall be punished by imprisonment for not more than ten years. <Newly Inserted by Act No. 4124, Apr. 1, 1989>

Article 20

(Penal Provisions)

(1) Any person who falls under any of the following subparagraphs, shall be punished by imprisonment for not more than five years, or a fine not exceeding fifty million won: <Amended by Act No. 3215, Dec. 28, 1979; Act No. 4124, Apr. 1, 1989; Act No. 5484, Dec. 31, 1997>

1. A person who cultivates, possesses, transacts, transports, preserves or utilizes cannabis in violation of the provisions of Article 3 (1):

2. A person who utilizes cannabis for any other purposes than the purposes for which the person is licensed in violation of the provisions of Article 3 (2):

3. A person who smokes or eats cannabis or cannabis seedcoat: possesses cannabis, cannabis seed, or cannabis seedcoat with the purpose of smoking or eating; or knowingly sells, buys, or assists in the sales of cannabis seed or cannabis seedcoat in violation of the provisions of subparagraph 4 of Article 4:

4. A person who offers another person the places, facilities, equipment, funds or means of transportation with which the other person commits any prohibited act in violation of the provisions of subparagraph 5 of Article 4: and

5. Deleted: <by Act No. 5484, Dec. 31, 1997>

(2) Any attempt to commit the offenses referred to in paragraph (1) shall be punished.

Article 21

(Penal Provisions)

(1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than two years or a fine not exceeding twenty million won: <Newly Inserted by Act No. 4124, Apr. 1, 1989; Act No. 5484, Dec. 31, 1997>

1. A person who escapes from a treatment and protection institution under Article 12-3 (1) without justifiable reason, or who harbors a person who has escaped:

2. A person who refuses, interrupts or evades tests or treatment and protection under Article 12-3 (2) without justifiable reason: and

3. A person who lends or transfers the certificate of license to other persons in violation of the provisions of Article 6 (3).

(2) Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or a fine not exceeding ten million won: *<Amended by Act No. 4124, Apr. 1, 1989; Act No. 5484, Dec. 31, 1997>*

1. A person who fails to report or inform under Articles 7 through 11 or 12-2, or who reports or informs falsely:

2. A person who fails to discard cannabis in violation of the provisions of Article 9:

3. A person who violates the provisions of Article 12:

4. A person who refuses, interrupts or evades any visits of inspection, or inspections or sampling under Article 13 (1), without justifiable reason: and

5. A person who operates a business during the period of license suspension under Article 14.

(3) Any attempt to commit the offenses referred to in paragraph (1) shall be punished. *<Newly Inserted by Act No. 4124, Apr. 1, 1989; Act No. 5484, Dec. 31, 1997>*

(4) Any person who habitually commits the offenses referred to in paragraph (1), shall be punished by imprisonment for not less than one year. *<Newly Inserted by Act No. 4124, Apr. 1, 1989; Act No. 5484, Dec. 31, 1997>*

Article 22

(Habitual Criminals)

If a person habitually commits the offenses referred to in Article 19 or 20, his punishment shall be aggravated by up to one half of the penalty prescribed for each offense.

Article 23

(Confiscation)

(1) Cannabis, facilities, equipment, funds or means of transportation which are offered for any offense under this Act, and the profits derived therefrom, shall be confiscated, and cannabis shall be disposed of by burning, burying, etc., or any other necessary measure: *Provided*. That if it is impossible to confiscate them, the equivalent value shall be collected additionally. <Amended by Act No. 4124, Apr. 1, 1989>

(2) Matters necessary for any measures such as disposal under paragraph (1) may be determined by the Presidential Decree.

Article 24

(Joint Penal Provisions)

If a representative, agent, employee, or other worker of a juristic person or individual commits an offense under this Act with respect to the business of such juristic person or individual, the juristic person or individual shall also be punished by a fine not exceeding fifty million won, in addition to the imposition of punishment upon the offender himself: *Provide*. That in the case of violation of the provisions of Article 21, a fine shall be imposed pursuant to the penalty as prescribed in said Article. <Amended by Act No. 4124, Apr. 1, 1989; Act No. 5484, Dec. 31, 1997>

Article 25

(Enforcement Decree)

Matters necessary for the enforcement of this Act shall be determined by the Presidential Decree.

ADDENDA

(1) (Enforcement Date) This Act shall enter into force on January 1, 1977.

(2) (Transitional Measures) Any application of the penal provisions to an offense on cannabis before this Act enters into force shall conform to the previous examples, and if an offense is committed before and

after the enforcement of this Act, it shall be considered to have been committed before the enforcement of this Act.

ADDENDUM <Act No. 3215, Dec. 28, 1979>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 3441, Apr. 13, 1981>

Article 1

(Enforcement Date)

This Act shall enter into force thirty days after the date of its promulgation.

Articles 2 through 15 Omitted.

ADDENDUM <Act No. 4124, Apr. 1, 1989>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1

(Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 Omitted.

ADDENDA <Act No. 5484, Dec. 31, 1997>

(1) (Enforcement Date) This Act shall enter into force 6 months after the date of its promulgation.

(2) (Transitional Measures on Penal Provisions) In case of any offense committed before the enforcement of this Act, the previous provisions shall apply.

(3) (Transitional Measures on Penal Provisions of Act on Special Cases concerning Prevention of Illegal Trafficking in Narcotics. Psychotropic Substances and Hemp)¹ / In applying the penal provisions of the Act on Special Cases concerning the Prevention of Illegal Trafficking in Narcotics. Psychotropic Substances and Hemp to an offense committed before the enforcement of this Act, if this Act are cited, the previous provisions of this Act are deemed to be cited.

ADDENDA <Act No. 5529, Feb. 28, 1998>

Article 1

(Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That.....(Omitted)..... the provisions of Article 5 (29) through (31) shall enter into force on July 1, 1998.

Articles 2 through 5 Omitted.

Article 6

(Transitional Measures pertaining to Amendments of Other Acts)

During the period of time from the enforcement date of this Act until the enforcement date under the amended provisions of Article 5 (29) through (31) of this Addenda, in the application of the Narcotics Act, [href="#f15">2/] the Psychotropic Drugs Control Act, [href="#f20">3/] or the Cannabis Control Act, the competent central administration agency and the head of the agency are regarded as the competent central administration agency and the head of the agency under the amended provisions of Article 5 (29) through (31) of this Addenda. (Proviso Omitted.)

Article 7 Omitted.