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**INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION
CICAD**

Secretariat for Multidimensional Security

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**LEGISLATION ON NPS
IN ARGENTINA**

UNDERSECRETARIAT OF COUNTERNARCOTICS POLICY

Legislation on NPS in Argentina

**8th-10th MAY 2019, 65th ORDINARY SESSIONS CICAD
BUENOS AIRES, ARGENTINA**



**Ministerio de Seguridad
Presidencia de la Nación**

Narcotics control by individual listing of substances

Argentina applies the framework of the international drug control conventions controlling substances on a case-by-case basis.



International Narcotics Control Board

Green List

29th edition, 2018
Annex to the annual statistical report on
psychotropic substances (form P)

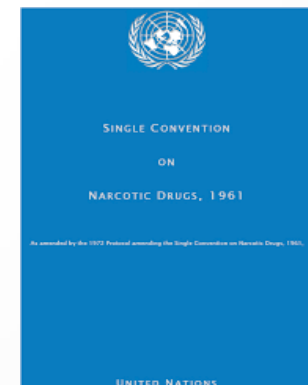
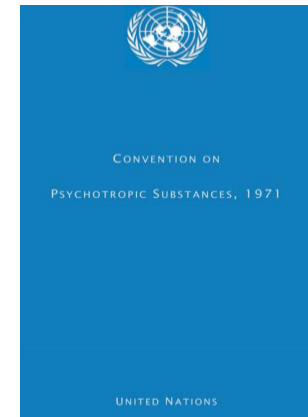
List of Psychotropic Substances under International Control



International Narcotics Control Board

Yellow List

LIST OF NARCOTIC DRUGS UNDER INTERNATIONAL CONTROL



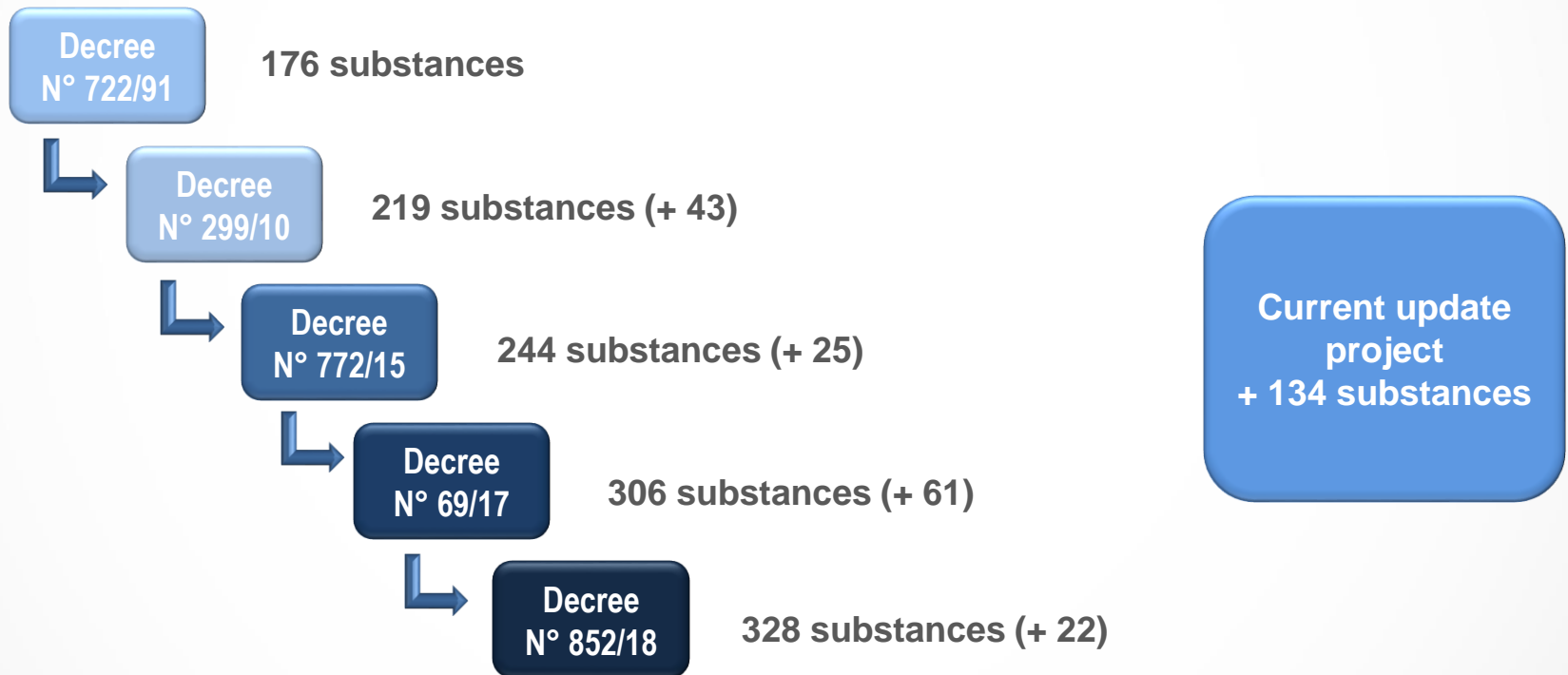
Narcotics

Legal framework: Article 77 - Penal Code & Article 40 - Antinarcotics Act (N° 23.737)

«The term NARCOTICS comprise the narcotics, psychotropics and other substances likely to produce physiological or psychological dependence THAT ARE INCLUDED IN THE LISTS that are periodically prepared and updated by decree of the National Executive Branch»

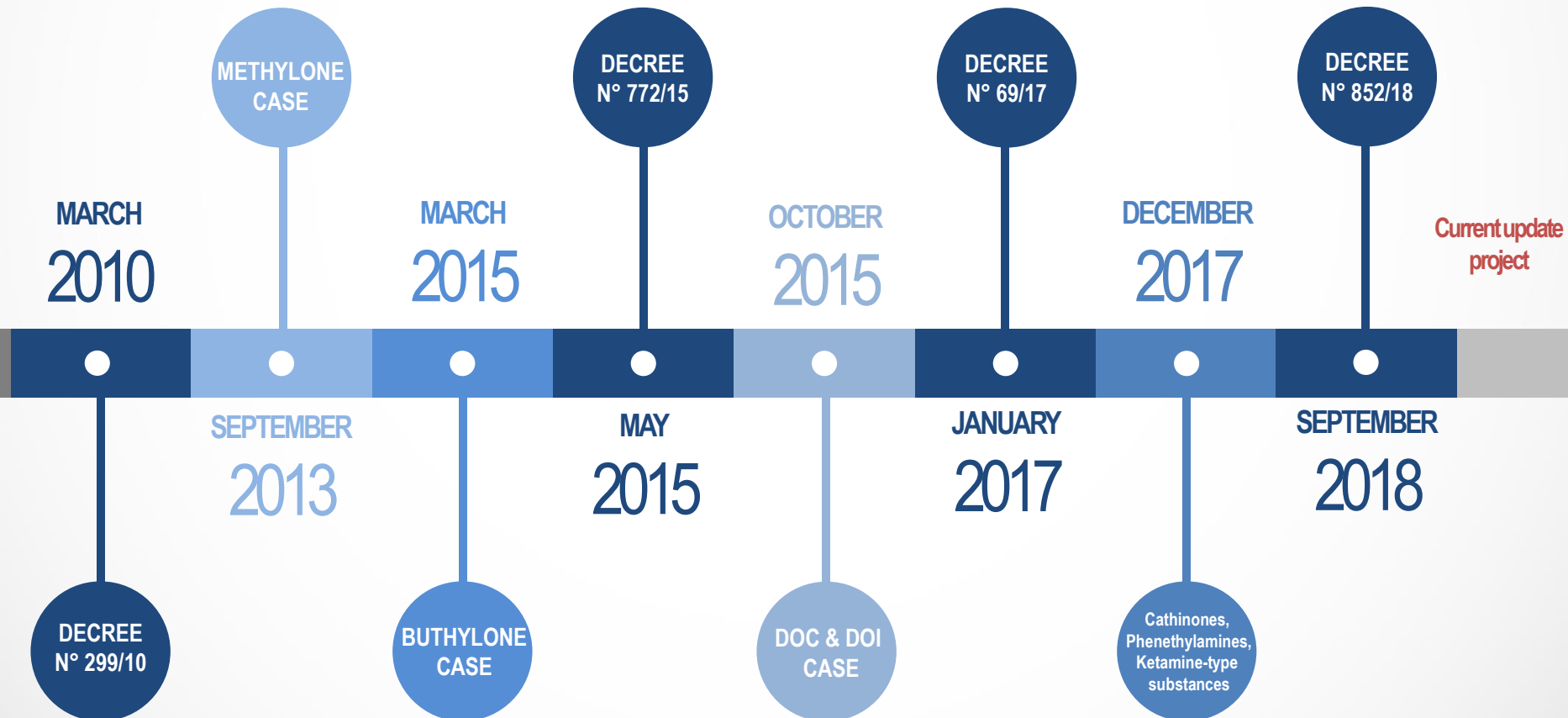


Narcotics control by individual listing of substances



Drawbacks of the individual listing of substances

- Some cases in Argentina

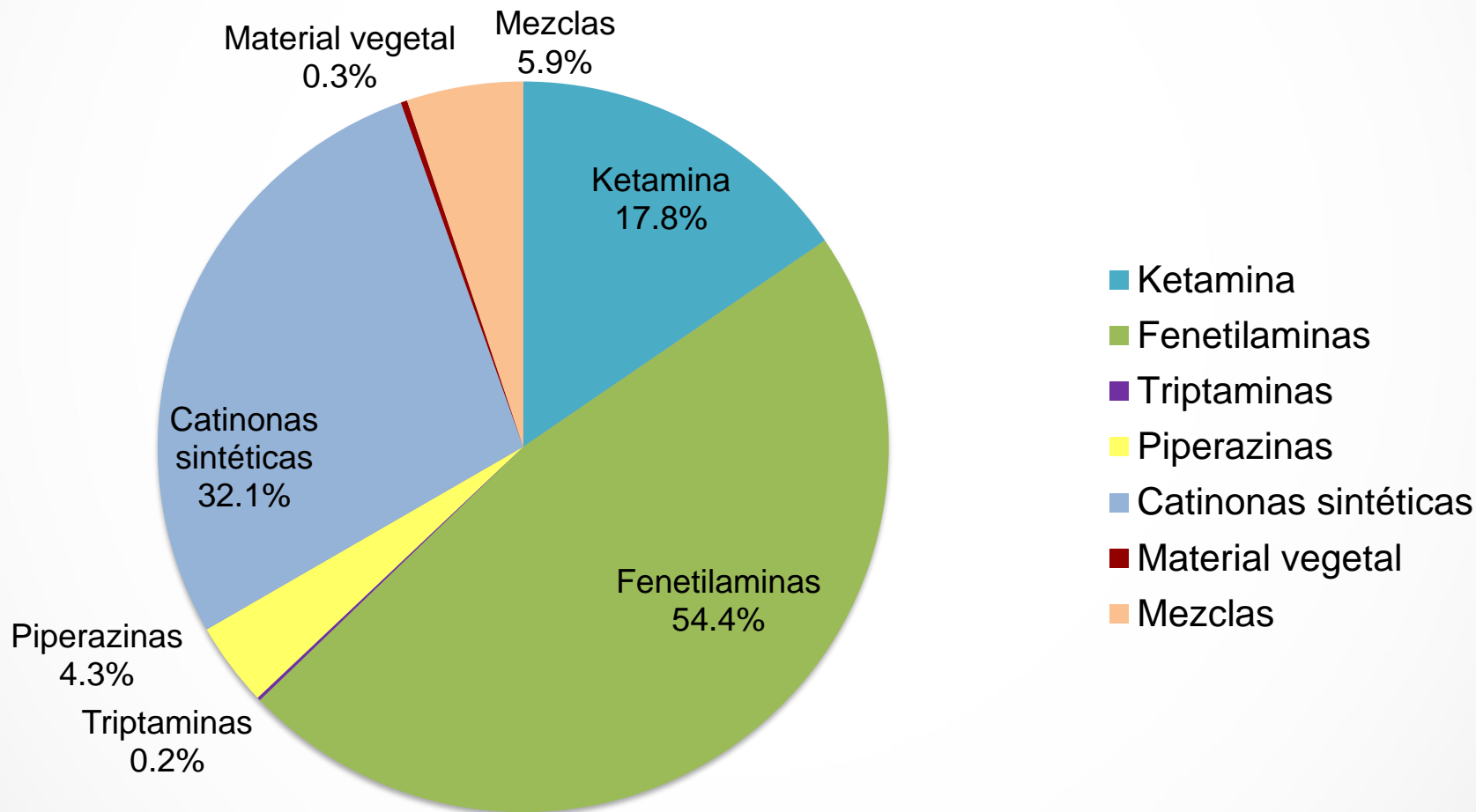


NPS identified for first time in forensic laboratories (2018)

5 phenethylamines
3 synthetic cathinones
2 synthetic
cannabinoids
1 ketamine-like
substance

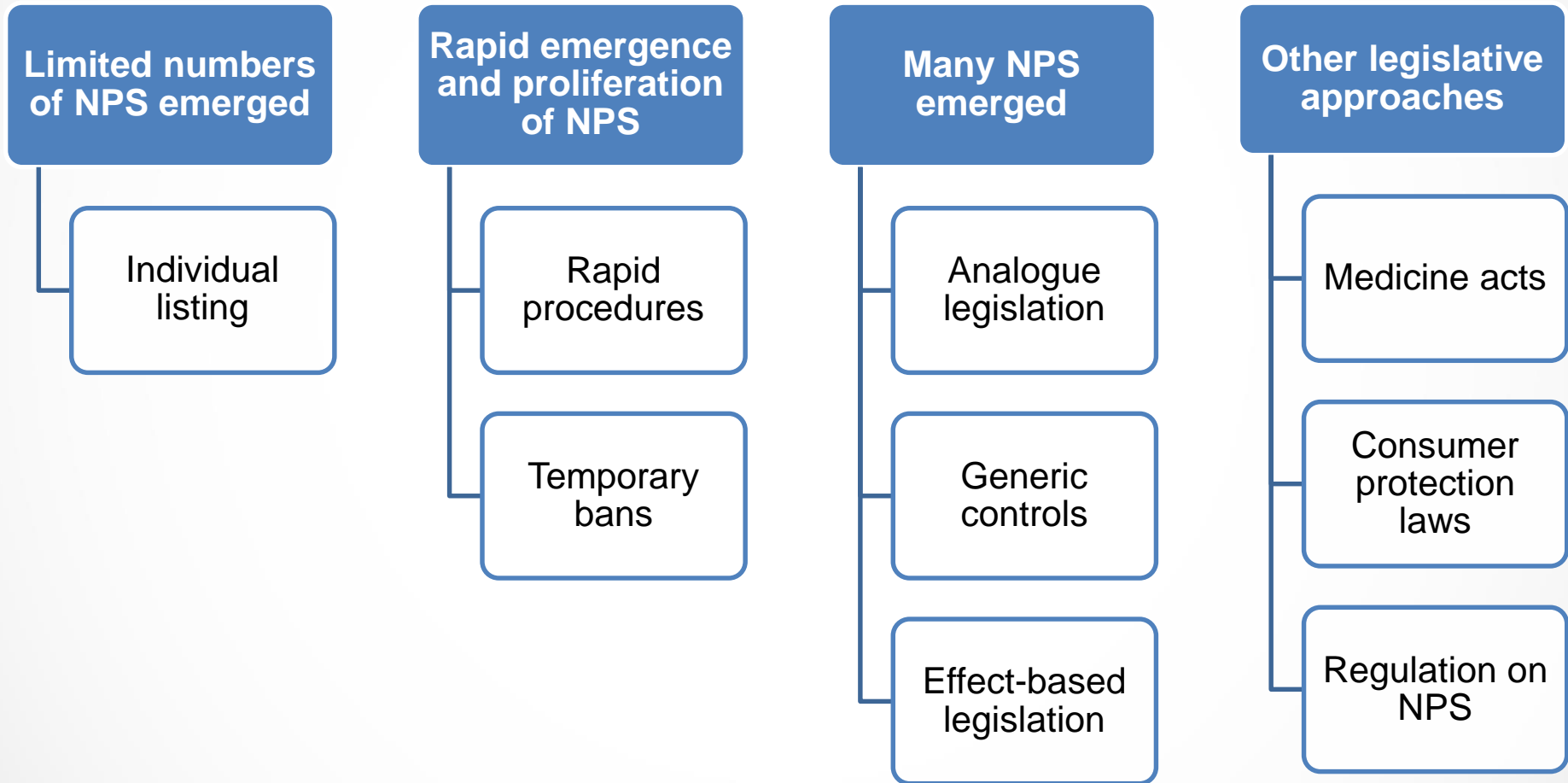


NPS detected in argentinean forensic laboratories (2008-2017)



* Presencia de 2 o más sustancias de diferentes grupos químicos.

Different approaches



Development of the generic control system

1) Work coordination

- ✓ Agreement between the Ministry of Security and the CONICET (National Scientific and Technical Research Council)*.



* Founded in 1958, CONICET is a National Institution under the Secretariat of Science, Technology and Productive Innovation of Argentina and it is considered as one of the principal assets for the national fund in terms of science and technology.

Development of the generic control system

2) Chemical structures determination

✓ Generic definition for 7 NPS substance groups*

- Aminoindanes
- Synthetic cannabinoids
- Synthetic cathinones
- Phenethylamines
- Ketamine and Phencyclidine type substances
- Piperazines
- Tryptamines

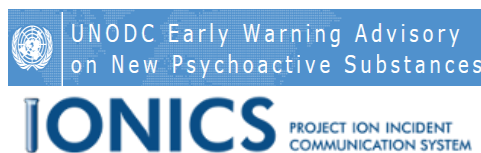


* By comparison with the 9 NPS substance groups determined by the UNODC classification, the proposed generic control excludes the groups «plant-based substances» and «other substances» due to the structural diversity they present, which prevents their grouping into a specific chemical group.

Development of the generic control system

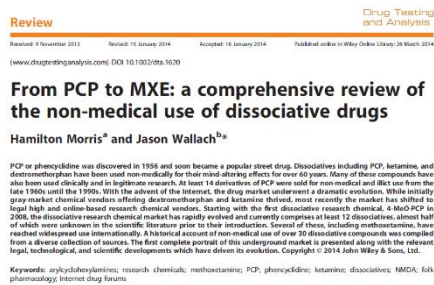
3) Use of various sources of information

International Early Warning Systems



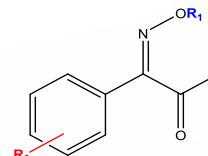
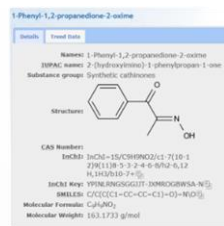
Database construction based on the NPS reported to the International Early Warning Systems.

Specialized Bibliography



Consideration of substances not reported to the International Early Warning Systems but present in scientific publications.

Research of possible combinations

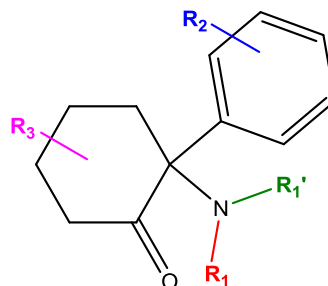


Consideration of substances not yet reported to the International Early Warning Systems but that might appear in a near future.

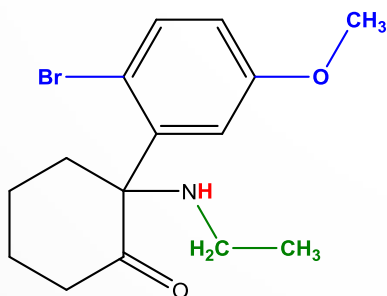
Implementing the generic control system

✓ Example illustrating the usage of the Generic Control System

- Generic definition for Ketamine derivatives:



- Analysis of a substance reported to EWA



Methoxetamine bromo derivative

Substituent R₁: hydrogen (-H).

Included in the list for possible substituents for R₁.

Substituent R₁': ethyl (-CH₂-CH₃).

Included in the list for possible substituents for R₁'.

2 substituent R₂: bromine (-Br) at position 2 of the aromatic ring and methoxy (-O-CH₃) at position 5.

Included in the list for possible substituents for R₂.

Implementing the generic control system

- **Legislative approach:**

Since the Penal Code and the Antinarcotics Act (N° 23.737) establish that it will be considered as **NARCOTICS** those substances **THAT ARE INCLUDED IN THE LISTS** that are periodically prepared and updated by decree of the National Executive Branch, the strategy is to replace the current legal text in the following way:

Current Text: «The products considered to be 'narcotics', for the purposes established in the last paragraph of the Article 77 of the Penal Code, are those included in the list that as Annex I is part of this decree»

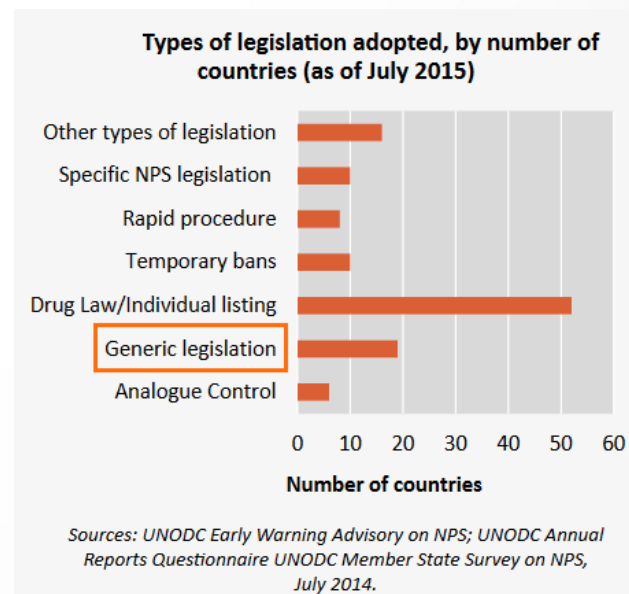
Proposed text: : «The substances considered to be 'narcotics', for the purposes established in the last paragraph of the Article 77 of the Penal Code, are those included in the list of the Annex I and those that are included in the chemical groups present in the list of the Annex II that are part of this decree»

Note 1: This proposal adds a list of chemical groups, which include different substances according to the specific variations established for each group.

Note 2: in case the substance identified in the forensic laboratory is not listed in Annex I, the forensic expert should resort to Annex II, since its function will be to complement the current system of individual listing of substances.

Implementing the Generic Control System

- ✓ Innovative legal instrument for Justice and Law Enforcement Agencies.
- ✓ Argentina joins the list of countries that have adopted multiple legislative approaches.
- ✓ Complement of the individual list of controlled substances: lower probability of seizing non-controlled substances.



Thank you!

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