

**Misuse of Drugs (Amendment) Act 1989**  
**(No. 38 of 1989)**

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**REPUBLIC OF SINGAPORE**  
**GOVERNMENT GAZETTE**  
**ACTS SUPPLEMENT**

The following Act was passed by Parliament on 30th November 1989 and assented to by the President on 27th December 1989:—

**MISUSE OF DRUGS (AMENDMENT) ACT 1989**

**(No. 38 of 1989)**

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I assent.

WEE KIM WEE  
*President.*  
27th December 1989.

**Date of Commencement: 15th February 1990**

An Act to amend the Misuse of Drugs Act (Chapter 185 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act may be cited as the Misuse of Drugs (Amendment) Act 1989 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Repeal and re-enactment of section 17**

2. Section 17 of the Misuse of Drugs Act (referred to in this Act as the principal Act) is repealed and the following section substituted therefor:

**“Presumption concerning trafficking**

**17.** Any person who is proved to have had in his possession more than —

- (a) 100 grammes of opium;
- (b) 3 grammes of morphine;
- (c) 2 grammes of diamorphine;
- (d) 15 grammes of cannabis;
- (e) 10 grammes of cannabis resin; or
- (f) 3 grammes of cocaine,

whether or not contained in any substance, extract, preparation or mixture shall, until the contrary is proved, be presumed to traffic in that controlled drug.”.

### **Amendment of section 22**

3. Section 22 of the principal Act is amended by deleting the words “a urine test” and substituting the words “both urine tests conducted under section 31”.

### **Amendment of section 31**

4. Section 31 of the principal Act is amended —

- (a) by deleting the words “a urine test” in subsection (1) and substituting the words “urine tests to be conducted under this section”;
- (b) by deleting the words “a urine test” in subsection (3)(b) and substituting the words “urine tests conducted under this section”; and
- (c) by deleting subsections (4) and (5) and substituting the following subsections:

“(4) A specimen of urine provided under this section shall be divided into two parts and each part shall be marked and sealed in such manner and in accordance with such procedure as may be prescribed.

(5) A urine test shall be conducted by a Government chemist on one part of a specimen of urine provided under this section and, at the same time or soon thereafter, a second urine test shall be conducted on the other part of the specimen of urine by another Government chemist.”.

### **Amendment of section 33**

5. Section 33 of the principal Act is amended by deleting subsection (3) and

substituting the following subsection:

“(3) If any person convicted of an offence under section 8(b) is again convicted of such an offence, he shall be punished with imprisonment for a term of not less than 3 years; and in this subsection, “convicted of an offence” includes a conviction by a subordinate military court or the Military Court of Appeal constituted under the Singapore Armed Forces Act (Cap. 295).”.

### **Amendment of section 37**

6. Section 37 of the principal Act is amended —

(a) by deleting the marginal note and substituting the following marginal note:

“Supervision, treatment and rehabilitation of drug addicts.”; and

(b) by deleting subsection (2) and substituting the following subsection:

“(2) If as a result of such medical examination or observation under subsection (1) or both the urine tests conducted under section 31 it appears to the Director of the Central Narcotics Bureau that it is necessary for any person examined or observed, or who supplied the urine specimen for the urine tests —

(a) to be subject to supervision, the Director may make a supervision order requiring that person to be subject to the supervision of an officer of the Bureau for a period not exceeding two years; or

(b) to undergo treatment or rehabilitation or both at an approved institution, the Director may make an order in writing requiring that person to be admitted for that purpose to an approved institution.”.

### **New section 38A**

7. The principal Act is amended by inserting, immediately after section 38, the following section:

#### **“Administration of approved institutions**

**38A.** Subject to the directions of the Minister, approved institutions shall be under the general charge and administration of the Director of Prisons appointed under section 8 of the Prisons Act (Cap. 247).”.

### **Amendment of section 39**

8. Section 39 (2) of the principal Act is amended by deleting the words “5 other

members” and substituting the words “such other members, not being less than 3, as the Minister may determine”.

### Amendment of section 43

9. Section 43 (1) of the principal Act is amended —

- (a) by inserting, immediately after the word “discipline” in paragraph (o), the words “(including the imposition of corporal punishment)”; and
- (b) by inserting, immediately after the word “persons” in paragraph (q), the words “referred to in section 37(2)(a), or”.

### Repeal and re-enactment of Second Schedule

10. The Second Schedule to the principal Act is repealed and the following Schedule substituted therefor:

#### “SECOND SCHEDULE

Section 33.

#### OFFENCES PUNISHABLE ON CONVICTION

| Section creating offence | General nature of offence   | Punishment                      |                                 |                                | Specified drug or quantity thereof or drug with specified content involved | General |
|--------------------------|---|---------------------------------|---------------------------------|--------------------------------|--|---------|
|                          |   | Class A drug involved           | Class B drug involved           | Class C drug involved          |  |         |
| 5                        | Unauthorised traffic in controlled drug except as otherwise provided in this Schedule | Maximum 20 years and 15 strokes | Maximum 20 years and 10 strokes | Maximum 10 years and 5 strokes | —  | —       |
|                          |   | Minimum 5 years and 5 strokes   | Minimum 3 years and 3 strokes   | Minimum 2 years and 2 strokes  | —  | —       |
|                          | Unauthorised traffic in opium where the quantity is —                                 |                                 |                                 |                                |  |         |