The Russian Regulation of Production and Circulation of Poisonous, Dangerous and Narcotic Drugs in the Legal and Historical Aspects

V I Panfilova\textsuperscript{1,a}, N V Strelnikova\textsuperscript{2,b}, I P Koltsov\textsuperscript{2,c}

\textsuperscript{1} The Far Eastern State Transport University, Khabarovsk, Russian Federation
\textsuperscript{2} The Far Eastern State Medical University, Khabarovsk, Russian Federation

E-mail: vitaflamma@gmail.com

Abstract. The article considers legal and historical aspects of regulation of poisonous, dangerous and narcotic drugs. In particular, we show a governmental mechanism to regulate the control and supplies of these drugs. In-depth examination of legislation reveals that the condition of the systematization of the level is insufficient. These concerns manifest themselves in the current lack of definitional clarity, and repeating the same provisions in a variety of law. Certain poisonous, dangerous and narcotic drugs are indispensably in current medical practice. These drugs were limited to Lists. Drugs that cannot be found on the Lists, the public authorities may recognize as analogs of narcotic drug and psychotropic substance. This happens when the chemical structure and chemical properties of these drugs is similar to chemical structure and chemical properties of narcotic drug and psychotropic substance on the List. Priority of state regulation in this field is provision of control and coordination of the production and sale of and trade in these drugs. It influenced on access to medication. It is necessary to create an effective system that does not allow abuse of the right to a medicinal product, and on the other hand, which makes it possible to obtain it for medical purposes.

1 Introduction
Poisonous, dangerous and narcotic drugs use on the territory of Russia has the historical retrospective. These preparations have long been used in causing a detriment to another person, pleasure or individualized treatment of various diseases. The first steps have been taken towards the development of the establishment of responsibility for the murder with drugs. At the beginning of the 20th century narcotic drug was not separated out in a category by itself. The scientific achievements of chemistry made it possible to obtain from the plant raw materials new alkaloids, for example, morphine and cocaine, and to technologically produce disposable sterile syringes for injections. The trade relations between producers of poisonous, dangerous and narcotic drugs states were changed. In connection with this the maker of law has taken action to increasingly strict regulations of their production and circulation.

The system currently in force therefore has been provides for special measures to control and limits of these drugs.

2 The historical aspect of legal regulation
In XIX century normative acts began to appear in the Russian Empire, defining poisonous and dangerous drugs. Narcotic drug had been included in these groups. The free circulation of these drugs was forbidden. Sales conditions have been developed for poisonous and dangerous drugs.

There are two categories of medicine required a special approach to regulation: poisonous drug and dangerous drug. The question of the inclusion the drug to poisonous or dangerous drug was decided on the basis by the State Pharmacopoeia. The State Pharmacopoeia is a legal act that contains two lists: “A” – “poisonous drug” and “B” – “dangerous drug”.

The precise terms “poisonous and dangerous drug” did not exist, despite repeated attempts to make it the scientists of tsarist Russia and then Soviet researchers [1].
Due to progress in medical research, and also in order to remove obstacles to the acquisition and use of medicines by the population, in cases where the harm from inaccessibility far exceeded the harm resulting from insufficiently skilled use of them, the list was reviewed by commission. If poisonous or dangerous drug not listed in the State Pharmacopoeia were stored in pharmacies, the rules for list A or B were applied to them, respectively. Thus, it can be concluded that the legislation varies according to the poorly studied chemical composition and mechanism of action of drugs and the lack of precise terminology that determines the category of the drug. The emergence of new types of substances in the Russian market led to the lack of specificity of classifying it on one or another category.

Wholesale of all medicines was made from warehouses to the People's Commissariat of Health and its local authorities, drug-store, medical and sanitary and other institutions who received the right to trade in medicines.

Directly to the consumer from the places of trade without registering them in the provincial health departments, non-dangerous drug plants were allowed for retail sale; subjects of care for patients; non-dangerous chemical and other plant and mineral substances that have a wide economic application and are not used exclusively as medicinal substances.

The years of war and revolution brought not only devastation and hunger, but also a new social trend – drug addiction. The situation was exacerbated by the prevalence of morphine as a medicinal product, which was given not only to the wounded, but also to neurotics and emaciated; cocaine, which was prescribed for weaning from opium, as well as in the treatment of chronic rhinitis, etc. [2]. The decree of the Council of People's Commissars of the RSFSR on November 6, 1924, “On measures to regulate the traffic in narcotic drugs,” banned the free circulation of the entire potent agent that serve or can serve for various types of intoxication, destructively affecting public health, for example, opium and its derivatives, cocaine and its salts.

The lists of banned drugs were issued by the People's Commissariat of Health. He also determined the necessary amount of narcotic drug used annually for medical purposes inside the country. All sides of circulation of drug were under control.

The production was carried out by the bodies of the Supreme Council of the National Economy, beginning with the coordination and the subsequent submission of a report on the number of blanks and ready-made funds to the People's Commissariat of Health. Enterprises are required to submit information about these drugs to the People's Commissariat of Health. Import and export was carried out by the People's Commissariat for Foreign Trade. The procedure was carried out according to the list of consumers with the names of narcotic drugs. Imported medicines came through the People's Commissariat of Health. The responsibility for violation of the rules of state monopoly and rules on trade was introduced.

In 1926, in the Criminal Code of the RSFSR appears a new category how intoxicating substances, which include cocaine, opium, morphine, ether and others. Interesting to note is that this legislative act there were two other categories: poisonous drug from the list “A”, and dangerous drug from the list “B”. In the editorial office of 1936 a fusion of terms was formed – strong poisonous substances. During the period of the Criminal Code of 1926, a number of international instrument related to the illicit circulation of narcotic drug were also adopted. These included the Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs was a drug control treaty promulgated in Geneva on 13 July 1931; Convention for the Suppression of the Illicit Traffic in Dangerous Drugs on 1936; Protocol amending the Agreements, Conventions and Protocols on Narcotic Drugs, concluded at The Hague on 23 January 1912, at Geneva on 11 February 1925 and 19 February 1925, and 13 July 1931, at Bangkok on 27 November 1931 and at Geneva on 26 June 1936; the Paris Protocol of 1948; the Protocol for Limiting and Regulating the Cultivation of the Poppy Plant, the Production of, International and Wholesale Trade in, and Use of Opium, signed on 23 June 1953 [3].

With the introduction of the order of the People's Commissariat of Health of the USSR on September 11, 1938, No. 1094 “Rules for the storage and dispensing of poisonous and dangerous drugs from drug-store,” the procedure for dispensing medicines containing poisonous and potent agents has
changed significantly. The medicines, which included these substances, were dispensed according to the prescriptions of a doctor or medical assistant.

Extensive legislation in the field of handling poisonous, dangerous and narcotic drugs shows a fragmented state of the level of systematization. This manifested itself both in the absence of definitional clarity, and repeating the same provisions in a variety of law.

Despite the fact that the issues of storing poisonous and dangerous drugs were in the instructions and orders of the People’s Commissariat of Health of the USSR and the State Pharmacopoeia of the USSR, they did not provide exhaustive explanations [4]. The lists were not complete, there were drugs not included in the lists, but sold in pharmacies. The pharmacy workers themselves had to classify the remedy for its proper storage. The general basis for the classification of these means, as toxicity, was absent.

3 Legal regulation in the Russian Federation

In the Russian Federation envisaged a mechanism to control the legal use and combat illicit trafficking in poisonous, dangerous and narcotic drugs that can include both a complete ban on its production, circulation and use by the population, and the imposition of restrictions on its turnover on the territory of the Russian Federation [5].

At the current stage all the categories of drugs listed above are approved by the resolutions of the Government of the Russian Federation. It should be noted that neither Russian nor international legislation does not define the notion of “dangerous drug” [1]. Article 234 of the Criminal Code of the Russian Federation reflected only that they “are neither narcotic nor psychotropic,” which is not true. Consequently, if poisonous, dangerous and narcotic drugs are de facto not included in any of the lists, then de jure it is not for them.

Nowadays, in all countries of the world, including in the Russian Federation, the regulation of the circulation of narcotic drugs is carried out in accordance with the requirements of three international conventions [6]. 55 years have passed since the moment the Russian Federation (the legal successor of the USSR) signed the Single Convention on Narcotic Drugs to devise its national policy in agreement with this document paying equal attention both to the problem of making controlled agents available for medical use and to protecting the population from drug abuse and addiction [7].

The new lists of poisonous and dangerous drugs are approved by the decree of the Government of the Russian Federation of 2007. This list did not include the combined medicines previously included there [8]. From the point of view of the legislator, poisonous and dangerous drugs are less dangerous, since the level of legal regulation of their legal turnover and the degree of responsibility for illicit trafficking is much less [9]. There are no statutory prescriptions for the subject of medical activity to obtain a license to work with medicines containing dangerous or poisonous drugs has not been established, but they must have a permit for medical activity [10]. Drugs containing dangerous and poisonous substances included in the relevant lists are subject to subject-quantitative accounting.

The procedure for the import and export of poisonous and dangerous drugs is carried out under licenses issued by the Ministry of Industry and Trade of the Russian Federation according to the nomenclature approved by the Government of Russian Federation [11].

The production of narcotic drugs is carried out within the limits of state quotas by state unitary enterprises and state institutions, provided they have licenses for the production of specific narcotic drugs. Quotas, within which the production, storage, import and export of narcotic drugs are annually carried out, are approved by the Government Decree on 2009.

Since the production and distribution of controlled medicines are under exclusive state control, the government must also create an effective system to provide health care providers and pharmacies with a continuous and complete supply of medicines. However, in many countries, as a result of resource constraints, an effective system for the supply and distribution of controlled medicines has not been established. Although the UN conventions on narcotic drugs require countries to provide estimates of
the need for these funds based on a thorough assessment of the needs of the population, some countries do not provide information or represent them symbolically [12].

4 Conclusion
The analysis of the legislation in the region of production, release and purchase of drugs has shown that the turnover of these substances is not actually restricted by normative documents, unless they are included in restrictive lists. The introduction of changes and additions to the lists requires large time, organizational costs and scientific resource. In addition, lists of controlled substances cannot be expanded to such an extent that they are considered exhaustive, since the turnover of strong substances acquires new forms, and the situation changes extremely rapidly [13]. There are substances, either in a pure form or a preparation, that are not controlled by the 1961 Single Convention on Narcotic Drugs or the 1971 Convention on Psychotropic Substances, but which may pose a public health threat, for example, “Spice” and “Special K” [14].

At the same time, there is a clear belief in a society that the turnover of these substances outside the framework of legal medical and pharmaceutical activities is strictly limited and controlled by law enforcement agencies [15]. The state strictly regulates the rules of treatment in various fields of application to exclude the possibility of their misuse [16].

More precise definitions, terminology and classification needed. Comprehensive coverage of the entire range of poisonous, dangerous and narcotic drugs in the lists will allow for better control and reduce the incidence of human rights violations.

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